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SUMMARY OF NEWS.

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Politics of Europe.

Through the kindness of various Friends, we have been furnished with several sets of late English Papers by the Ship from Liverpool, for the latter part of June and the early part of July. We are glad of so good an opportunity to redeem our pledge of furnishing our Readers with as late and abundant intelligence as our pages will admit, on all topics of great and general interest. We have for the present taken the leading articles in the order of their dates, for our two European Sheets; and the two Sheets usually given to Asiatic subjects, are filled with the long Parliamentary Debate of the 25th of June, on the state of the Government Press in Scotland. Our Readers will easily forgive this temporary suspension of our Correspondence, when we have a fresh budget of interesting Public News to offer in its stead; so that we proceed with pleasure to our task.

London, Tuesday Evening, June 18, 1822.—In stating yesterday the arrival of M. Zea, we took occasion to advert to some considerations which ought to weigh with our ministers in favour of the recognition of Colombia. The first consideration which presents itself to every mind, is the situation of Spain relatively to her late colonies. Both justice and policy demand attention to this view of the question from every nation. Youthful states, in the ardour of inexperience, and in the enthusiasm of hope, naturally overlook prudence and selfishness, and embrace, with eager cordiality, every state which ought, in abstract right, to be independent; or, which would be manifestly benefitted by an independent rank among the nations. Long established governments regard such events with greater caution, and cannot divest themselves of suspicion and apprehension until the youthful claimant of their favour exhibit an unequivocal title to their independence. Something of this spirit distinguishes the conduct of Great Britain and the United States with respect to Colombia. The United States, young and confident, look upon Colombia with favour, and upon Spain with indifference. Great Britain looks upon Colombia with a scrutinizing jealousy; upon Spain, with indulgence and something like sympathy. This country, was herself, 40 years ago, bereaved of her colonies. Desperately we struggled to retain our authority in the West: sorely did we grieve to abandon it. The case of Spain is widely different; yet, is there similarity enough to account for a little hesitation in our Cabinet. Well, to this parental weakness be our past conduct imputed; but now let us, as becomes a reflecting, firm, and just government, view the actual, undisguised relation of Spain with Colombia, and let us no longer refuse our recognition to the latter, or frown upon her youth with the repelling austerity of age or imbecility. Be it in the first place recollected, that since the moment that the signal of independence was given in South America, the conduct of Spain towards her colonies has been characterised extreme weakness and folly. The struggle she maintained was as ill-directed as it was hopeless. But that struggle has entirely and finally ceased. When did Spain last despatch an expedition from her shores to reclaim or re-conquer her colonies? Is it likely that, in point of fact, she ever will send one? She is, in fact, likely to be the victim of internal convulsion, and external war; and even if she be not, her domestic changes are quite adequate to all her wisdom, all her energy, and all her vigilance for at least half a century! That

the separation is complete and final, is a fact which admits of no doubt, and which certainly is not doubted by our Government. Therefore it must be obstinacy or ignorance which can prevent Spain herself from admitting the independence of States actually and irrecoverably independent of her. In her, however, such obstinacy or ignorance may not be unaccountable; but really and manifestly would be weakness and folly in the extreme in any other nation, and, above all, in Great Britain to act in deference to such wounded and unreasonable feelings on the part of Old Spain. The United States have formally recognized the independence of the South American States, and named Ministers to be their Representatives in Colombia, Buenos Ayres, and Chili. We will admit, for the reasons we have alluded to, that it was natural and even reasonable that their recognition should have thus begun. But in Europe, surely our Government will be the first to do this great act of national justice and sound policy. We are, by universal consent, the freest and most commercial nation in Europe. This is the cause of freedom and commerce. We owe Spain no chivalrous adherence to her prejudices, notoriously injurious even to herself, or to her wishes, undeniably impotent on this subject. No principle of the law of nations, no suggestion of policy, no form of etiquette can be urged in favour of a moment's further delay, to recognize with the formality of an open and manly avowal that independence which in fact exists, and which we have distinctly acknowledged in our commercial regulations. As a free and independent state we are bound to avow formally what we have tacitly admitted. As a commercial nation, we are bound to recognize states whose commerce is of incalculable value to our mercantile and manufacturing classes. We do not even exclude from our view the demands upon our generosity and liberal character. Our recognition of the infant republics, and our unrestrained intercourse with them, will essentially contribute to enlarge their views, and consolidate their institutions. As a free, as a commercial, as a generous nation, we are then called upon to embrace the proffered friendship of the South Americans. These considerations we have reason to believe our Ministers to be fully alive to; and we are sure that M. Zea, with his characteristic zeal and discretion, will give them the fullest effect. His note, at once explicit, judicious, and firm, is a strong pledge of the temper and judgement with which he will conduct his highly important object, we trust, to a speedy and successful conclusion. Among the States alluded to, Colombia, which Mr. Zea represents, evidently takes the lead. We regret that the affairs of Chili are less settled.

It may not be foreign to the subject, to mention here, that we have seen two Numbers of a Weekly Journal, published at Caraccas in Spanish and English. It appeared first on the 6th of April. We extract a free passage on the subject of free circulation and discussion of opinion:—"In those regions of the Andes, where the imprisoned vapours find a vent through the volcanoes of Chimborazo and Cotopaxi, earthquakes are unknown; it is only when they are pent beneath the earth, that they explode with sudden convulsion and universal devastation. It is even so with political opinion: when it finds a free vent through the Press, it is harmless, though often loud and threatening; when stifled into silence, it explodes without warning, and destroys without remedy."—*True Briton.*

London, Wednesday, June 19, 1822.—We had hoped to let the late political duel in Scotland rest for ever, but there are so many peculiar circumstances published in the SCOTSMAN of Saturday last, in relation to the affair, that we feel ourselves bound to diffuse still farther their notoriety; and we therefore beg leave to direct the attention of our readers to the extract which we have made from the above journal, under the head of "Late Duel." From a very curious letter, procured with no ordinary difficulty, but at last produced at the trial, and written by Sir Alexander Boswell himself, it appears, that one of the Judges who should have tried Mr. Stuart had previously acquiesced in the propriety of his own brother being second to Mr. Stuart's antagonist! Another very singular fact is elicited from this letter, which is, that whatever Sir Alexander Boswell's course of proceeding might be in the field, it was certainly his previous intention to shoot Mr. Stuart if he could; "for," says he in this letter, "if we should fight in Scotland, and mine should be the successful shot, I should not like the after proceedings of our courts of law." It ought yet farther to be made known, that two Crown Lawyers, the acting Deputies of the Lord-Advocate, who is principal guardian of the King's peace, and the only prosecutor of offences against it in Scotland, had written and signed a paper, in which, for the purpose of defaming Mr. Stuart, in order to serve as a defence to an action brought by him against a journal which had called him "cowardly," they assert that he is cowardly, inasmuch as he had refused to fight one "Stevenson who had challenged him, and that they were ready to prove by the evidence of persons skilled in the laws of honour, that such refusal was unbecoming a gentleman." And one of these lawyers did actually, in his capacity of deputy of the Judge Advocate, sign the indictment on which Mr. Stuart was tried. It is, we trust, unnecessary to remark further on this outrage on law and decorum than by simply describing it.—*Times*.

London, Wednesday Evening, June 19, 1822.—It is known to our readers that of the two measures passed in February for the suppression of disturbances in Ireland, viz. the Habeas Corpus Suspension Act, and the Insurrection Act, only the latter is proposed to be renewed. In support of this renewal, extracts have been published of despatches from the Marquis of Wellesley to Mr. Secretary Peel, which state the continuance of the same disturbances in many places, and the existence of the same causes of irritation and outrage in all. The measures applied for by the Executive of Ireland were avowedly calculated for repression of disorder only, not for the removal of its causes. Of these causes we offered explanations at some length, and adverted then to the extreme difficulty of applying a legislative remedy. On the 4th of May we remarked that "the most humane, and just remedy would be, to instruct the people, to create capital in the hands of cultivators, by means of the bounty and credit of landlords, and to suggest and encourage every improvement in agriculture and in the habits of life." We at the same time expressed our apprehensions that a remedy so slow, so gradual, and so troublesome, would not be adopted. Since then, the Earl of Liverpool has stated in his place in parliament, that "the evils which afflict the people of Ireland may be traced to relations between the rich and indigent, over which laws can have no controul." His Lordship's view of the evil appears to us as just as it is desponding; but still it is a pettial view. The rich in Ireland are the authors of some of its evils, and in a manner which equal and just law cannot reach; but the genius and disposition of the people at large, is not less the cause of these calamities. All must confess the difficulty of the subject, and that our hopes of a remedy are exceedingly faint. Long intercourse with England and Scotland, consequent marriages, and the modifications of intellect and industry which these ultimately produce, will alone effect the purpose. In the meantime we have no doubt that the power of putting the Insurrection Act in force, where disturbance breaks out, is indispensably necessary.—*True Briton*.

London, Thursday, June 20, 1822.—A General Court of Proprietors was held yesterday at the India House, when a subject came under consideration, the natural interest of which was

much enhanced by that of the questions connected with it in the course of the discussion to which it gave rise. A proposal appears to have been made by Government, that the Company should waive that article in their charter which excludes from the private trade to India all ships not measuring 350 tons and upwards. The fact, we apprehend, is generally admitted, that the above limit affixed to the private trade has for some time operated as a serious obstacle to its success; and that if continued in its present form, a decline, if not a total cessation, of the trade, must follow at no distant period. The abovementioned proposition of Ministers, however, was met, and not unfavourably, by resolutions to this effect:—1. That the stipulated size of India traders is a part of the compact with the Company, to which the faith of Parliament stands pledged. 2. That if the Company concedes this point, it must be on obtaining reciprocal concessions—one extending to India-built Ships the full rights of British registry—the other admitting East India sugars to home consumption on equal terms with those of the West India colonies. The two questions thus raised are of extreme importance. It would be absurd to look at them under the mere aspect of problems in economy or colonial policy. The value of every maxim concerning the affairs of government must be resolved by its subserviency to the real interests and welfare of the nation to which it is applied; and the decision of Parliament upon the demands of the Company, must be guided less by a regard to general principles, than by considering what measure will best protect the sum total of the interests at issue. The compact with the Company must be maintained inviolate—that is clear enough indeed; but it seems to be the only part of this series of questions which is not open to some degree of perplexity and conflict. The admission of India-built Ships to registry, as if they had been built in England, is required on the ground that ships built in all the colonies of Great Britain are allowed the same advantage; and that by some evasion of the letter of the charter, as alleged by Mr. Grant, India-built Ships are elbowed out even from the coasting trade of the Peninsula, which is carried on in great part by British bottoms. There was a time, undoubtedly, when the shipping interest at home would have raised a powerful outcry against this new influx of eastern-built merchantmen to the British register; but that opposition, it appears, has become less animated, and for a melancholy reason—viz. that what fragment of its former prosperity still adheres to the shipping interest of this kingdom is not worth protecting. Be this as it may, the impression of the Chairman yesterday was, that strong hopes existed of a disposition in Government to yield the required privilege to East India built ships; but that with regard to sugars, the Treasury wished to pause for a year before any steps should be taken towards an equalization of the duties. On this latter question, it is unfortunate that certain broad views of commercial and colonial regulation, which might lead us to an easy decision in theory, seem, from the circumstances of the present period, to be applicable only at the expense of much private suffering to a valuable class of men—the proprietors of estates in the West Indies. The whole West India interest has been latterly going to decay. The failure of this Government in extending to its allies the humane and generous policy of the abolition of the slave trade, has operated destructively to our own colonists. Foreign planters can raise and sell their produce at a price which has thrown our sugars out of every foreign market; and it is now declared by our West India planters, that the free entrance of East India sugar for consumption here will expel them from the home markets also—the only one now within their reach. We do not advocate the cause of the West Indies; but for those whom duty or curiosity may prevail upon to look at the question in its practical bearings, it is right that a few of the most prominent and important of them should be placed under their consideration. If it be true that 100,000,000 of our fellow-subjects in the East are interested in the sugar trade, in the cotton trade, and in shipping, it is pretty clear that when they arrive at a general knowledge and common feeling in what concerns those interests, they will either succeed, without much difficulty, in forcing the fullest attention to their claims upon the British Govern-

ment, or, with quite as little difficulty, relieve that Government from the trouble of determining any such claims.

The King returned to town from Kew on Tuesday night.

Yesterday his Majesty gave audiences to the Earl of Liverpool, Marquis of Londonderry, Mr. Peel, Viscount Melville, and the Earl of Warwick.

Yesterday morning the consecration of the new parish church of Windsor was performed by the Bishop of Salisbury.

The price of gold has fallen to 77s. 6d. the ounce, being $4\frac{1}{2}$ d below the Mint price, a circumstance which has not taken place since the year 1797, and was of very rare occurrence previous to that period.—*The Times*.

London, Friday, June 21, 1822.—In Wednesday's debate, on the lapsed motion of Mr. Daly, afterwards taken up by Mr. Hume, whose proposition was rejected, the Attorney-General for Ireland complained of his opponents for anticipating imperfections in Mr. Goulburn's tithe-bill, which would not be found to exist when the details of that measure should be known. Now, since we touched upon the tithe-leasing bill, we have been put in a condition to try the correctness of that learned gentleman's boast, inasmuch as a printed copy of the bill is at this moment before us. When we glanced at the subject in our paper of Monday last, we grounded a rather favourable prognostic of this measure, on the declarations and assurances of the two Irish Ministers who had introduced it to the house. The very attempt to mitigate the abuses of the tythe-system appeared to us to merit that species of praise, and excited in us some of those emotions of joyful astonishment, which are usually called forth in the mind of the spectator by a first indication of shame in some old and practised offender. There is, we doubt, no other instance on record, since the Revolution, of so much as a wish expressed by any Irish Government to compose the feuds or amend the condition of its subjects, by other than coercive means. The merit of entertaining that desire we ascribed to the Minister, on the earliest explanation of his bill in Parliament; and even on looking at the work in detail, it might be harsh to say that the glimmering of a good intention vanishes; but the capacity to execute any or effective measure of amelioration on behalf of Ireland, so far as this measure could decide such a question, we before discredited, and we now utterly deny. Mr. Plunkett announced with grave confidence to his hearers, that the inducements which he offered to the clergy would act with force amounting to compulsion in favour of a complete exercise, on their part, of the leasing power granted by the bill. But where is the inducement offered to the landlords of Ireland to become lessees to the clergy? It is acknowledged that the latter do not obtain more than a twentieth, or perhaps so much, of the gross value of the land for their tithe. Is it likely, then, that the Bishop, whose consent is made necessary to the validity of each lease between the incumbent and his parishioners, will agree to reserve so small a sum to the church, under the form of rent, as now reaches the clergyman through the tithe-collector? It is not merely (in most cases) the revenue of the actual incumbent, but the contingent patronage of the diocesan himself, which is affected by the reservations under the new leasing power. The Bishop, therefore, may not always be found so tractable as even the parish clergyman, whose own income is concerned, but whose personal comfort strongly dispose him to save trouble and vexation by executing reasonable leases. Will the landlord, on the other hand, come up to the terms of the church? His tenantry, it is true, are at present plunged in perpetual distress by their transactions with the tithe-proctor: but the proprietor of the soil stands clear and unmolested—the small portion of his estate which he has in his own keeping is, for the most part, in pasture, and pays no tithe. Will he, then, we ask, who pays neither rent nor tithe, be willing to sign an instrument making him responsible for both to the parson? To engage such an individual to become a party, he must be bribed by some considerable advantage, to be procured, in the first instance, at the expense of the church; or if that, as is most likely, be guarded against by the ecclesiastical authorities, he must repay himself for his increase of trouble and responsibility by an aggravated exaction from the poor occupiers of the soil, whose

place he takes in relation to the clergyman. Again, prices are now fallen. Will the clergy give a lease on any calculation for which the existing market shall afford materials: or will the landlord take a lease, the rent under which shall be estimated on any higher grounds? With the occupying tenantry the Church may have more success in negotiating; but this defeats one great object of the measure, by continuing the immediate relation of debtor and creditor between the indigent Roman Catholic and the Minister of the Established Church.

Admitting, then, the probable motives of the bill to be good, we can, since the detailed provisions of it have been made public, form few or no hopes of its efficiency. Parties, like the Irish landlords, who thrive by the abuses of such a system, are not the fittest instruments of a complete reformation of those abuses. Nor, on the same principle, should we be apt to predicate much profit from a bill which left to certain great families in Ireland the task of establishing a more equitable distribution of church patronage, when one man, of the name of Beresford, holds two glebes, containing about 5,300 Irish, or upwards of 8,000 English acres; and another gentleman, a brother of the Bishop of Derry, is stated to enjoy two country parishes, and four (besides) in Dublin.—*The Times*.

London, Saturday, June 22, 1822.—We have received by express the Paris Papers of Wednesday. In the GAZETTE DE FRANCE of that day, is a letter dated Vienna, the 8th instant, which states that one of the objects of the mission of M. de Tatischeff to that capital, was to arrange with the Austrian Cabinet a convenient place for a meeting between the Plenipotentiaries of Russia and Austria and a Minister of the Porte, in order to come to a definitive settlement. It is added, that the town of Kaminiack, in Podolia, has been fixed upon from this diplomatic rendezvous. The same letter states that the Congress of Florence is likely to open about the beginning of August. We observe in the paper above-named, that General Berthou, who headed the mad tumult at Saumur some months ago, has been apprehended near that town. His trial, condemnation, and punishment, must speedily follow his arrest. As his crime was open rebellion, his fate is certain death. It is only singular that such a consummation should have been so long delayed, considering the powerful motives which stimulated the French Authorities to secure him, and the vigilant ubiquity (if we may use such a phrase) of the police employed in tracing his steps, and endeavouring to discover his retreat.

Funds on Wednesday.—Five per cents opened at 90f. 85c. closed at 91f.; Bank actions, 1,627f. 50c.; Neapolitan Stock, 72½; Exchange on London, one month, 25f. 50c.; three months, 25f. 30c.

We believe that no man has ever attended the Courts of Justice of France, without almost lamenting the prostitution of that noble institution, the Jury, from the manner in which it is there applied. Its management in Scotland seems to be of a yet more exceptionable kind. Notwithstanding this, Ministers had intimated their intention of opposing any change in the system. Mr. Kennedy's speech, however, on the subject, on Thursday night, disclosed so many absurdities, that this determination was suddenly relinquished, and ministerial people supported the second reading of the bill. It has been accordingly read a second time, and the committee upon it has been fixed. Still it is conceived that it is the secret intention of Administration, by some one or more of those little manoeuvres which supply the place of talents, to defeat the measure. It will, therefore, require the utmost attention of those who are favourable to the diffusion of the blessings consequent upon a fair trial by a well chosen jury, to attend to the progress of the bill, and give it their firmest support. In the Scottish Courts the Judge selects forty-five jurymen, who are to meet him on the circuit: from the forty-five he next chooses those who are to try the cause; and no right of challenge is allowed, for the favour, prejudice, or affection. If any foreigner were informed that this was the mode of trying within the island of Great Britain, he would be very much perplexed, we apprehend, to know in what that

excellence consisted, of which we so much vaunt, in the administration of justice.

The Committee acting at the London Tavern for the relief of the afflicted peasantry of Ireland, have sent us a statement which they rightly judged that we should feel it our duty to make public. Such an appeal will indeed work out its own pious office with all who have the heart of men and Christians. Thousands, tens of thousands, of our own people—our own blood—are at this moment perishing. They die the terrible death of hunger! "And shall there be none to help them?" Great efforts have, we know, been already made by this humane and generous community for the unhappy creatures whose cause we need not undertake to advocate; but more, much more, we are afraid, will be required. If ninety or a hundred thousand pounds have been contributed, (and it is a noble sum), let us reflect, that of the utterly destitute, there are, or were, (for many expired while the food was on its way to them) more, we are informed, than a million of human beings—men and women, and helpless infants. The highest sum, then, which could have been remitted for the sufferers, was less than 2s. a piece—or short of a single week's subsistence, at the famine price which potatoes have reached since the failure of "the poor man's harvest," as the gathering in of the potato crop is there very touchingly called. We can add nothing further to facts like those, a few of which are now subjoined. If the mute eloquence of desolation like this should fail to rouse the spirit of charity, the tongues of men and angels will plead in vain.

Yesterday the Duke of York transacted military business with the King. The PRINCESS SOPHIA visited the King yesterday.

Affair of the Swallow.—A letter from Gibraltar of the 30th ultimo states, that Mr. Douglas, the British Consul at Tangier, in consequence of the instructions from Lord Bathurst, has applied to the Emperor of Morocco to demand satisfaction for the affair of the SWALLOW, but that the Emperor had evaded the demand by declaring that the rebellion which then existed in a great part of his dominions rendered inquiry impossible. It will be recollected, that the SWALLOW, a merchant vessel, sailed from Gibraltar for Oran on the 21st of June, 1821, and being becalmed near Melilla, was taken possession of by three Moorish armed boats, on the 1st of August, and broken up. The master and two of the crew were made prisoners.

Reduction of Discount.—The following is the form of the official notification from the Bank:—

Bank of England, 20th June, 1822.

"Resolved, That all bills and notes approved of, in the usual manner, and not having more than 95 days to run, be discounted at the rate of Four per cent. per annum, on and after the 21st of June, 1822."—*Times.*

London, Monday, June 24, 1822.—It is, we believe, almost unprecedented in Parliamentary history, that the two Houses should sit so long, and have so much important business to transact at the close of the session. When did it ever occur before, that the Budget was not brought forward till the end of June, at which time Members are usually quitting town, and the attendance is very scanty? The Budget is now to be brought forward on Friday next, the 28th. In the intervening days are two motions, which will, we have no doubt, be rendered high interesting—the one by the disclosure of facts, the other by the development and discussion of principle. Mr. Brougham's motion stands first in order, and is for this evening. The subject is the influence of the Crown; and the result aimed at may probably be something like that celebrated resolution of great note—that "such influence had increased, was increasing, and ought to be diminished." For our own parts, we cannot help thinking, even if no other proofs could be alleged, that the fact of its increase is most lamentably attested by the absurd manner in which it is applied. A power, for example, that never could be exerted but within the bounds of reason and common sense would seem to bring its own limitations with it, and might be thought tolerable;

but a power which forces its willing victims, without shame or feeling to do the most absurd things possible, and then leaves them to public ridicule, is of all powers imaginable the most wantonly tyrannical. The Emperor who forced the Roman knight to disgrace his age and rank by appearing as an actor on the stage, did more degrade the object of his licentious buffoonery, than if he had plundered him of his knight's fee. The power of which we are speaking, and which may become the subject of Mr. Brougham's remarks to-night, has not, we suppose the country gentlemen will now allow, been very nice in its attacks upon their property; of their dignity, of that kind of respect which attaches to consistency and truth, it has indeed forced them to be very lavish spendthrifts. What was it, for the example, but the influence of the Crown, sagely exerted through its potent organ Mr. Vansittart, that obliged a majority of the House of Commons to resolve that a one pound note and a shilling were equal to a guinea, when every man in England knew the proposition to be at once false and absurd? But this, it may be said, was an old House of Commons. True, the House is changed; but what change, we ask, has taken place in that power to the operation of which the present assembly is subjected? Indeed, it has been boldly asserted by Ministers, that useless places were to be kept in order to bribe Members; and if the fact were not acknowledged, it would be rendered evident enough by its consequences. It is a pity that such a limitation should be put to regal power, that whilst it can oblige its adherents to assert any thing in the face of the country, it cannot prevent external circumstances from exposing their absurdities—from forcing them to retract their assertions, to retrace their steps. In this respect, indeed, the influence of the Crown should not be said to be diminished; but it must be allowed to be inherently weak, that it cannot control nature, and make that to be true which its organs choose to impose upon the world as truth. How many times have Ministers and their faithful followers asserted that government could not be carried on at less than such and such an expense: but untoward circumstances, ultimately, and we will add, most disloyally, proving that the funds necessary for feeding that expense could not be created, Ministers were content to seize all they could get: and with respect to their former assertion, a compassionating shrug of the shoulders for the exposed subserviency of their tools was all that could be extorted from them, and indeed could reasonably be expected. "They must retain this place, they must continue to impose that tax, or else they will relinquish their situations." So said they; and to the same tune piped their placemen. The offices are abolished, the taxes remitted, from a dire and uncontrollable necessity; and yet they still find the means of carrying on the affairs of state under such circumstances as they before maintained that government could not be administered. An enumeration of all occasions on which Ministers have thus dragged their adherents "to and fro" thro' the dirt, must render the debate of to-night highly interesting, and will certainly prove the influence of the Crown to be in such a state of potency, that it can, at will, make its tools attempt impossibilities, though it cannot give them power to execute them.

The debate on the *Beacon* is for to-morrow night, and will, we suspect, lead to such disclosures with respect to the contributors to that infamous publication, their station in the state, and their conduct on this particular occasion, as will surprise and shock even those who may fancy they have adopted into their practice the philosophic maxim of *nil admirari*—who are determined to wonder at nothing.

The majority by which that bill was rejected which would have re-seated the Catholic Peers in Parliament, was considerable enough to raise a question for political inquirers, as to the causes which have produced or permitted this striking difference of feeling between the two Houses on a point of high national policy. Those who make it a reproach to the Commons that they are the creatures of Ministers and Peers conjointly, must now be somewhat perplexed. Whether was it the influence of the Court or the Aristocracy that enabled Mr. Canning to carry his bill through the House of Commons? And which of these interests,

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(LATE ENGLISH PAPERS—CONTINUED.)

or was it both, or was it the Bishops only, who in the other chamber defeated that Right Honourable Gentleman? This we take to be a puzzler. Nor such, we fear, was the motive of the Governor General elect of India for bringing forward such a bill. The Catholic question, as a whole, was in the hands of another advocate: it is a pity, therefore, that for no imaginable purpose but that of recording the name of Canning as the parent of *something* (no matter what) on behalf of the Catholics before he took leave of England, an expedient should have been hit upon, which appears to have armed the enemies of the great measure of emancipation with arguments drawn from the general interest of the Catholic body, against the relief of one particular class of Catholics, and to have roused an opposition, more animated apparently than for several years preceding, to the principles of the entire question, for the very inadequate consideration of getting a few Lords the liberty to sit and vote. The profit evidently was not worth the peril. Nor was it, *prima facie* natural to expect those foes of emancipation to acquiesce in an act which said not one word about "securities," when even the best securities which had been devised, and offered in a former bill to their acceptance, were insufficient to secure their votes—a learned Earl, the leader of the anti-Catholic malecontents, not indeed being satisfied with a mere vote against the bill (of 1821), but giving the learned author of it a severe slap in the face, and exclaiming that such "*rash*" (as his securities) "had never been submitted to Parliament." Most of the Peers more immediately connected, with the Palace, it seems, gave their voices against the bill. If so, what must be the inference of those who told and foretold that such fine doings would result from the Royal Irish visit!—*The Times*.

We are informed there yet exists some doubt whether the Right Hon. Geo. Canning will go out to India. If he should, Captain Briggs will take the command of the *Jupiter*, 60, now fitting at Plymouth; and C. pt. G. A. Westphal will commission the *Eden*, 26, at Deptford. — *Hampshire Telegraph*.

London, Wednesday Evening, June 26, 1822.—We envy not the last night's pillow of the Learned Lord Advocate of Scotland, even though his dreams may have been of the Lord President's gown and wig, and the final conversion of the villa of Eskgrove into a baronial mansion. That calumniators should, in evil times, slander a Lord Advocate, is not to be wondered at; for the rebels calumniated Duncan Forbes himself; but that the charge of having been a proprietor, and as such, a party to a succession of prints, all of which tended to the direct and immediate breaking of the peace;—that this should be said of him who, in Scotland, holds more absolute sway than all the powers of law, government, and church, do, in this end of the island;—that it should not only remain uncontradicted, but that it should be admitted by Ministers, and clenched by 95 votes out of 215 in the House of Commons;—that it should do all this, sneaks volumes, and calls loudly for such a revision of the criminal law of Scotland, as shall prevent future Lords Advocate from placing the vicegerent of Majesty again in so humiliating a situation. It was but a sorry defence to say that the Lord Advocate was not implicated in the sins of Sir William Rae. This man positively cannot afford two identities; and though he could, yet as we do not see how he could *qua* Lord Advocate, indict and bring to trial his other self *qua* Sir William Rae, Baronet, we do not see how the two identities would do him any good. The duel, the trial, the exposure of last night, will all have their use in teaching the corrupt, and office-desiring youngsters of "Auld Reekie," that the calumny-approach to unbought dinners and unearned fees is shut up.

London, June 27, 1822.—How lamentable it is to discover the manner in which those situations which ought to command respect in the country, are descending, step by step, into disrepute, from the personal character or official conduct of those who fill them. The permanence of any set of political institutions,

and of course the tranquillity of the state by which they are governed, depend less upon the excellence of the institutions themselves, than upon the purity of the persons to whom the administration of them is confided. Machiavelli, a writer to whom no one will impute too great scrupulousness in what may be called State morals, is still for ever anxious to impress upon his readers the wholesome doctrine, that public liberty is to be secured under no form of government whatever, except, where public virtue exists. The Romans, he shows, on the abolition of the Kingly power, immediately instituted the Consular government, by which their civil rights were established; but on the destruction of the dictatorship, they were totally unable either to recall their ancient institutions, or to found any new system of equal government; and why?—Because at the former period the people and the nobles were alike pure and virtuous; at the latter, the people was demoralized, and the senate flagitious. We are led into these reflections by what has occurred lately in the case of the Lord Advocate of Scotland. The nation certainly is under no obligation to adopt as its own the decision of the House of Commons: neither shall we impute that decision, farther than by saying that the Lord Advocate of Scotland would probably have been more exact in his conduct, if there had been any possibility of its being submitted to a more severe scrutiny. His behaviour, therefore, was exactly suited to the Court by which it has been approved; and Scotland would have had a different Lord Advocate, and different Deputy Sheriffs, if the empire at large had possessed a different House of Commons.

With the decision of the House, therefore, we meddle not. But to us it appears, that whatever has been urged out of the House in the Lord Advocate's justification, does but serve to enhance the criminality, not of himself only, but of all those concerned in the late mischievous proceedings in Scotland. We found this remark on two positions only, though we might go through the whole of the defence. The Lord Advocate attempts to justify his Advocates Depute, Hope and M'Niel, as having simply given an opinion to their client. "Was it ever heard of before censures were cast on an Advocate for simply stating his client's case?" But, good God, is it not proper to examine what that opinion was? That opinion led to the unhappy duel; for it justified the most atrocious abuse of Mr. Stuart, and induced the defendants, whom he charges with libel, to offer to prove by the "evidence of persons of high character and skill in the laws and practice of honour, that Mr. Stuart's conduct (*viz.* in refusing to fight Stevenson) was ungentlemanly, and deserving of every condemnation." Such is the legal opinion which two Deputy Conservators of the Peace of Scotland offer to their client; and such is the opinion which the Chief Conservator of the Peace of Scotland defends.

Again: The treatment of Borthwick, pursued by thief takers, manacled, dragged from prison to prison, and at last turned out into the world without trial, such treatment, we say, would excite the pity of the most savage natures. How does the Lord Advocate justify this treatment? Hope, he says, "was informed that a gross crime had been committed by Borthwick" (in returning to his own office and taking possession of his own papers!) "He felt that a crime might be committed by a partner against the remainder of a company. Borthwick, he was informed, did break open a private repository and take away a quantity of confidential papers, &c. and therefore he had him arrested!" But did he never listen to what Borthwick had to say on the subject, before he sent him to prison? Did not this upright Magistrate suffer himself to be informed of that which, in truth, he already knew in his heart, that the papers which Borthwick took were claimed by him as his own? And that, at the most, the right of property could only be ascertained by a trial at law. Would any Justice of the Peace in England have even granted a search warrant on such an application? "No," would every member of that body answer with disdain.

With respect to the principle on which the libellous newspapers were undertaken and conducted, there is no question that it was the most detestable that could be conceived—that of personal defamation. But a word respecting the defence which is

set up in that certificate to which the signatures William Rae, Lord Douglas, &c. are affixed. It is therein complained that great industry is used in disseminating publications tending "to render the middling and lower classes discontented and unhappy"—a sagacious remark, truly! As if people who were really well governed and properly treated, could be rendered unhappy by publications! tragedies, we supposed, that set them all a-crying at the imaginary woes and wrongs of others; for, having none of their own, he must be a writer gifted with such powers as were never yet bestowed on mortal man, that could afflict the hearts of a free and well-fed people, by imposing upon them the belief that they were enslaved and starving. However, if such are the privileges of genius, there is Sir Walter Scott on the other side—that is, on the paid and titled side—a man also with as pretty a knack at poetry and romance as any going—why, instead of singing certificates and bonds, did he not try his hand at deceiving the people thus grossly gulled? Nay, and if public happiness depend less on fact than on representation, why might he not now be sent out to Ireland, to write down the famine there? The starving population would

"Scatch at bread, and fill their mouths with rhymes."

The truth is, that if, in the present state of information, public calamities could be described as to appear to those who suffer them blessings, then also might people living in a state of comfort and freedom be made to believe that they were oppressed and miserable. There is as much power on the one side as on the other.—*The Times*.

London, Friday, June 28, 1822.—When a person like the Duke of Wellington threw out his camp joke against county meetings, to which his Grace applied the term "farce," or some other contemptuous epithet—people received the compliment with a sort of expression in their faces, of which, if reverence formed no perceptible part, there was in it no great symptom of ill-humour. The truth is, that Englishmen are seldom needlessly inflamed. They fear nothing from a military man, whom they consider the natural agent of a system which they are aware cannot soon become formidable in this country. But if the assaults of such men on the old standard defences of the constitution are little deserving of alarm or solicitude, the proceedings of another class of politicians are not to be so lightly rated. There is nothing which calls for more vigilance in a free country, than the introduction of new doctrines upon ancient and established rights, by men who claim to be authorities in matter of doctrine. While, therefore, it would be absurd to apprehend that the noble Duke above-mentioned could engraft any principle (good or bad) upon the received theories of English law or freedom; or that he could, in any manner, affect or influence the opinions of a well-instructed community, it is by no means a consideration of equal indifference what mischievous heresies may be insinuated by the lawyers—by such men, for instance, as my Lord Redesdale and my Lord Chancellor. It is scarcely a week since language was reported to have been uttered by the first of these learned personages, in the House of Lords, and echoed by the second, from which, if it be not seasonably exposed and reprobated, more evil may result to one of the dearest privileges of this nation, viz., that of assembling publicly to petition Parliament, than if the noble Duke, with all Woolwich at his back, were cannonading the "right of petition," for an hundred campaigns. On the occasion of presenting some hole-and-corner petitions, very justly held cheap by Lord Grey, because they came from holes and corners, Lord Redesdale is reported by the newspapers to have said, that "He conceived such petitions 'entitled to more consideration than if they had been carried amidst the clamour of a public meeting;'" to which Lord Eldon, instead of being betrayed into any warmth of reproof towards a sentiment so utterly mortal to the rights handed down to Englishmen by their ancestors, is further reported to have subjoined that "he concurred in giving preference to petitions privately signed, as there was no opportunity for deliberation amidst the confusion of a public meeting." If these doctrines be justly ascribed to the two learned

Lords, we do not recollect—no, not in the Six Acts themselves—an attack so dangerous, because none so likely to have an insidious and underhand operation upon the most sacred of all our prescriptive safeguards—the chartered right of petition for redress of grievances. What is the right of petitioning for redress without that of previously discussing and asserting the exact nature both of the grievance and the cure? The lowest stage of liberty is the right of discussion. The only power which can be effectually arrayed against a force so embodied and so concentrated as that of Government, is the power of public opinion; and how can that be known, or how can it be felt, but as the fruit of public and recognized assemblies of the people? Private signature, indeed, may be a good shield against enthusiasm: it may be a solid and weighty extinguisher of every burst of public feeling, however honourable to the national character—however indispensable to the public safety: but what protection does it afford us against villainy—against secret and mercenary machination? what against false and fraudulent discolouring of the real sense of towns and counties, where men who would be base enough to promote in secret in iniquity they dare not avow, are put down by the honest upbraidings of their countrymen. The next step to this, will be hole-and-corner elections to the House of Commons, the abolition of the hustings, and the screening of Members of Parliament from all questions, explanations, and just reproaches for broken promises and violated trusts: then come debates with closed doors in Parliament itself, that every delinquent may sin in secret, and may have nought to fear from "clamour." There is no limit to the ruinous consequences of this modern reading of English rights. If the privilege of petition receive this wound with impunity, it is open to a thousand others. It will be easy to allege, that as the petition signed in a closet is the only one fit to be received, so the petition approved by a Cabinet Minister is the only one fit to be granted; and thence there is but one step more to the perfection of this new principle. "In Russia" the Czar Peter established a law, that no subject might petition the throne, till he had first petitioned two different Ministers of State. In case he obtained justice from neither, he might then present a third petition to the Prince—but upon pain of death, if found to be in the wrong; the consequence of which was, that no one dared to offer such third petition! These indeed are early days—but *ce n'est qui le premier pas qui conte*.

In the House of Lords last night, Lord King proposed, ironically, a new preamble to the bill for converting the naval and military pensions into long annuities, which preamble seemed to point out strikingly all the absurdities and contradictions of the measure. Unfortunately, there in our minds still exists much of real evil, as well as absurdity, in the bill. It is astonishing with what ease some people acquiesce in a measure which is to impose between two and three millions of taxes upon the nation for half a century to come. This is legislating for posterity!—*The Times*.

London, Monday, July 1, 1822.—It may be recollected that the late Bishop Watson preached before the University of Cambridge, and afterwards published a sermon, which he entitled "The Principles of the Revolution vindicated." This sermon was severely handled by an anonymous writer, who afterwards proved to be Mr. Richard Cumberland, the author of several dramatic and other works. Of this person the Bishop thus writes in his own life:—"I had too great a contempt for his powers of argumentation to answer any thing he wrote against me. He had merit as a versifier and a writer of essays, but his head was not made for close reasoning. 'There are,' says Locke, 'some men of one, some of two syllogisms and no more; and others that can advance but one step farther: these cannot always discern that a side on which the strongest proofs lie.' Mr. Cumberland was at most a two-syllogism man." Now, whoever shall read the speech of our present worthy Chancellor of the Exchequer on the remaining salt duty, spoken last Friday night, will perceive that he is really not a two-syllogism, but only a one-syllogism man: for says this reasoner—"We are accused of retaining the

* Blackstone.

tax in question for the sake of patronage. Now the truth is, that the Treasury never had any patronage under the salt-tax, for the officers of the Excise who collected it were appointed by the *Excise Board*. And who appointed the *Excise Board*, we ask? Why, the Treasury! We have not the patronage at all therefore, because we have it through our servants the Commissioners of Excise! We fancy, however,—and we appeal to Mr. Lushington for the justness of the remark,—that if one of the Excise officers who collected the salt duty happened to be a freeholder, or to have a vote for a borough, such a man, though the Chancellor of the Exchequer could not descend downwards, would be able to mount upwards, through two syllogisms, and find out for whom he ought to give his vote in the case of a contested election.

Another circumstance deserves remark. Ministers are said to have remitted two millions of taxes this year, as if they had conferred a boon, a gratuity on the country. The contrary is the truth. So far from remitting these taxes, they have made the people buy them out, (as any body but a one-syllogism man would see), in the most severe, unjust, and unconstitutional way namely, by annuity of two millions and a half for five-and-forty years to come. No: it is obvious, that if remission of taxes be talked of, they will not remit even the remaining two hundred thousand pounds of the salt-duty, much less two millions. The remission of taxes can only be effected by the retrenchment of expenses, and this they oppose, and have opposed, in every possible way. Without retrenchment, the shifting or docting of taxes from one position to another, from one year to a series of years, is very poor relief, and affords but little ease. Such arts remind us of the Italian proverb "*accommodare bisacchie nella strada*"—to fit the load on the journey. It is taken from the mule-drivers, who, placing vast burdens at first but awkwardly on the backs of their poor beasts and seeing them ready to sink, cry—"Never mind, *bisogna accommodare le bisacchie nella strada*"—we must fit them better on the road. So it is that Ministers accommodate us with their present load of taxes: they make, or they pretend they make them more portable, as we bear them down the track of time, by shifting the burden and altering the pressure; but we still have the load to cry.

We do rejoice that some inquiry is to take place into the sufferings of Mr. Borthwick, and the conduct of the Scotch Government towards him. Having said thus much and pressed the investigation in every way we are able, we do not know that we are at liberty to say more till that investigation takes place.

The affecting supplication from the Greeks at Constantinople to their Christian brethren here was published in our paper of last Friday. It came from the yet unmurdered remnant of a people, on the point, as they perhaps too justly dread, of immediate and total annihilation. We left it to work its own way to the hearts of all Englishmen who could feel for the outraged rights of human nature, for religion grievously persecuted, and for the honour of Christian Europe essentially and universally disgraced. The narrative has in that respect even outrun our expectations. We know not that any tragedy on record ever produced in this country a movement of deeper horror than this recital of the atrocities inflicted by cold-blooded and remorseless infidels on unoffending believers in the same God whom we worship, and for no intelligible provocation but that of their being fellow-worshippers with us. The facts are few, but worthy of remembrance. Of the inhabitants of Scio, in number an hundred thousand, the males have been exterminated almost to a man—the females violated—the children torn from the breasts or the arms of their mothers, and sold to slavery, or reversed for future or disgusting degradation. The country, with its numerous seat and happy villages, is made a desert, and nothing remains of that which was the most civilized and delightful island of the Archipelago but one huge monument of devastation. The details of these desolations we need not repeat, and we must not weaken the description of the unhappy Greeks themselves, by attempting to vary its form. What identifies the councils of the Ottoman Government with the

most odious abominations that were committed at Scio is, the deliberate massacre of ten of the hostages who had been sent to Constantinople, and of whom six, as stated by a member of the House of Commons, were empaled alive, while 52, who had been retained at Scio, were hung outside the Castle walls by command of the Pasha. It is vain to attempt a palliation of such enormous crimes by insinuating any charge of previous cruelty against the Greek nation. If the affair of Tripolizza be that to which it is referred for justification—1st, How long ago had it happened? 2d, What was the most heinous part of the accusation, but that Greek soldiers after carrying the city by storm, had put a Turkish garrison to the sword; and not after a storm merely, but after a violation by the Turks themselves of a solemn treaty? And is this to be compared with a cool butchery of the innocent elders of a defenceless people, not following close upon the heels of conflict, nor useful to any purpose of safety, nor conformable to any practice of even the most savage war? Does such conduct not naturally throw a cloud of gloom and apprehension over the heart of every man who feels for the existence of Christianity in the East—for the condition of three millions of fellow-creatures and fellow-Christians—and, to bring the matter home, as one of more direct, though less elevated interest—of every man who values the peace of Europe itself? At an early stage in the diplomatic controversies at Constantinople, we expressed our doubts as to the practicability of obtaining from the Ottoman Government any securities deserving the confidence of Europe, for its treatment of the Greek nation, so far gone in armed insurrection against their masters. We have often since declared our belief that Turk and Greek could never again resume their old relation of tyrant and slave. The afflicting events on which we have remarked, have a manifest tendency to confirm both classes of prognostics which we have just recalled to notice; nor is it, we think, possible that the treatment experienced by the Scioite hostages, and the nation to which they belong, should fail to produce a very decisive sensation, not only in the minds of the whole Greek people, but of those governments whose cares have, for the last 18 months, been mainly occupied by questions arising out of the subjection of Greece to Turkey.—*Times*.

London, July 2, 1822.—We find by accounts from Bermuda of the 31st of May, that Sir W. Lumley, the Governor of that colony, who seemed by his conduct to have forgotten equally what was due to the laws of the mother-country and the rights of the planters, has been recalled, and is actually on his way to Europe. We had occasion some time ago to animadvert in strong terms on the irregularities of his administration, and the arbitrary caprices of his personal behaviour; and we have reason to believe, that the exposure and censure were not without their influence in producing a result which has filled the colony with satisfaction. It is said, however, that he will not appear at home without his retinue: and that many of his aggrieved subjects will form his escort to a country where he is equally subject with themselves, and where they may expect more ample justice than they could hope for on the other side of the Atlantic. By an extract from an American Paper, which we gave on Thursday last, it would appear that he possesses at least the merit of consistency to the last, and that as he sometimes inflicted punishment where the laws did not allow him, so he took occasion to reverse the decisions of law to suit his own convenience.

The Chancellor of the Exchequer brought forward the Budget last night, though some of the estimates of which it forms the summary, have not yet been voted. His statement of the Ways and Means were more than ordinarily uninteresting, from the circumstance that he had little to disclose, and no new proposition to make. We have only room to refer our readers for details to the speech itself and some of the tables with which it was accompanied. It will be seen, that he proposes to bring the present provisions of the Sinking Fund to the review of Parliament in the next Session.

The Debate that followed on the Budget, as well as that on the Alien Bill, will be read with interest.—*The Times*.

On Sunday evening, the Prince and Princess of Denmark had an interview of the King, which was understood to be for the purpose of taking leave of his Majesty on their departure from London, which is expected to take place in a few days.

Yesterday morning the Prince and Princess of Denmark went to breakfast with Mrs. Fry, at her residence at Platchett-house, near Eastham, Essex.

Yesterday the King had a select party of Nobility to dinner. The Duke of York visited his Majesty yesterday.

We are much concerned to state, that the Duke of Bedford has been seized with an alarming illness at his cottage at Endsleigh, near Tavistock. An express came yesterday morning (Friday the 26th ultimo), for Dr. Blackall, who sat off immediately in a chaise and four, to attend his Grace.—*Exeter Gazette*.

Dublin, June 27, 1822. —*Arrest of fourteen Persons at Armagh, on a charge of Treason!*—On Tuesday last, 14 men were taken in the city of Armagh, and committed to the gaol of the county, by Colonel Blacker and a military guard under his command. These men, it is understood, were acting as delegates from several counties in the kingdom, and concerned in some conspiracy, which they were endeavouring to organize and bring into operation against the authority of Government and the peace of the country. We have ascertained their names and places of abode, and they are as follows:—

Michael Coffey, Dublin; Edward Claffery, Fermanagh; Thos. Blake, ditto; John Rice, Monaghan; Peter Rourke, Longford; John Kelly, Tyrone; B. Dougan, Dublin; T. Lamb, Monaghan; P. Reilly, Cavan; John Bradley, Derry; Henry Coogan, Antrim; Thomas Hughes, Dublin; Thomas M'Geogan, Antrim; Thomas Byrne, Louth. Three of these men were from Dublin, two from Fermanagh, two from Monaghan, two from Antrim, and respectively from Louth, Longford, Cavan, Derry, and Tyrone. They all seemed respectable from their dress and appearance, and are now confined in the gaol of Armagh.—*Faulkner's Dulin Journal*.

A Hot Chase.

To the Editor of the Journal.

SIR,

It seems the "good people" of Calcutta are "wanting in the lofty sentiments of honour, and the faculties of discrimination,"—but they are not quite so devoid of these qualities as to allow themselves to be impudently dictated to, by a small knot of unknown Slanderers, nor quite so blind as to be unobservant of the plan which has been recently pursued. First, all the *Bull-dogs* and *Jackalls* have been set on to bark and howl for some weeks at the unfortunate *Traveler*, whom they wished to worry: when this uproar had lasted so long that they trusted the heads of the "good people" were stunned with the noise, then one of the huntsmen, after much parade,* comes forward and insists upon the Stewards of our Balls and our Public Dinners, excluding from Society with disgrace, the person whom these gentry have chosen to run down. Another of their leaders (CIVILIS) modestly announces his intention to proscribe all who may continue, unabashed by their effrontery, to shew their regard for this persecuted Individual. I quote the passage for the satisfaction of your readers who may not see these samples of the "verum atque decens" in the original.

"Again I call on the Public to judge of a Public JOURNALIST, who can so grossly and wilfully and maliciously misrepresent the proceedings of a Public Meeting. On this man Public attention is at this moment intensely fixed. At this moment 'Falschood and Iniquity' and dark Ingratitude have been brought home to him with tremendous effect. Enough has already been published and PROVED to stamp those who countenance the CALCUTTA JOURNALIST, as lost to a just sense of honourable conduct, and I trust the powerful pen of the FRIEND TO BANKES, which has already covered the "principal" with disgrace, will not spare those who by countenancing, should participate in his disgrace."

This too is from those who were always foremost to complain of dissensions in our "limited society," to lament the "fite-

*See the *BULL*'s repeated Notices to Correspondents, prelude to NIGEL.

brands which were spread abroad," and never more so than under the reign of John the First, an era which seems to be revived of late. It seems as if some new Avatar of the Spirit of Discord had descended to collect these scattered flames, and "blow them into tenfold rage." The zeal of the associates in this holy alliance prompted them even to issue an Extra Paper on Thursday, to declare that the "Friend of Bankes" was ready to avow his name, if even one of the Gentlemen who subscribed their attestation to the documents published by Mr. Buckingham in the JOURNAL of the 15th of August, would declare that he was satisfied with Mr. B's explanations. This modest attempt to drag into a Newspaper discussion well-known individuals in opposition to these nameless Slanderers, is of a piece with the rest of their conduct, yet they must have been confident of the success of their arts when they ventured upon such a challenge.

It has been substantially answered. They know and cannot deny that the Gentlemen who are still in Calcutta out of the nine referred to, have sufficiently expressed their satisfaction at Mr. Buckingham's explanation; but has the "FRIEND TO BANKES," unmasked himself? No!—He is now hallooing on his pack on a new scent. They are now to run the JOURNALIST down for declaring he did not receive a letter which the "man in the mask" declares was, (to HIS (whose?) knowledge) put into the Letter-Box. If he did get the letter I cannot conceive why he should deny it, or what possible object any man could have in making such a statement if untrue. It could not be to avoid noticing the "CHALLENGE," for it was already printed; nor because he doubted whether "one of the nine" would avow his belief; for he asserts in the very same Paper that more than one have assured him it continues unchanged, an assertion the truth of which the "masks" know—and it is gall and wormwood to them. They will find before long that the "good people" of Calcutta, who in truth would rather not be plagued by these quarrels or forced to attend to them, will, if they must interfere, choose their side with honor and discrimination. Madame de Stael has remarked the great difference between French and English Society and feelings, that the Public in the latter country always ranged themselves on the side of an oppressed or persecuted individual, whereas the French shunned a man so placed, and were ready to join with the hunters. "The good people of this Metropolis" and of India are a somewhat indolent and careless, but they not a degenerate race.

They will not tolerate long the system of BEACONS and SENTINELS.

Nov. 30, 1822.

A LOOKER ON.

Public Notice Repeated.

During the whole of this Month of December 1822, the Editor of this Paper will hold himself in readiness to meet any man, or number of men, at his Office, between the hours of 10 and 2 o'clock, on any day except Sunday; and will be prepared to afford explanation on any points which they may deem worth their enquiry in the Correspondence relating to Mr. Bankes and Mr. Burchhardt. He further pledges himself to exhibit the Originals of all the Documents on which the Case rests; to afford every facility to those desirous of examining them; and his perfect readiness to give their convictions, if they wish it, to the world, in his own pages, whether favorable or unfavorable to his cause.

Every honest and candid man who thinks the matter one of sufficient consequence for him to take a part in, will, it is hoped, do the Accused this common act of justice, by examining the grounds of the question for himself. If there be any who can go on from day to day defaming him, or any who can lend themselves in any manner to the propagation of such calumnies, without availing themselves of this fair and easy mode of ascertaining their truth or falsehood, he will consider them as wholly unworthy his attention, and remain satisfied that the Public will deem them equally undeserving of their credit or belief.

We have repeated this Notice, at the request of many, in order that no one may suppose from our not prolonging an endless Controversy, that we have any desire to shrink from the closest scrutiny, exercised in the severest manner in which it can be done.

Imperial Parliament.

HOUSE OF COMMONS, TUESDAY, JUNE 25, 1821.

GOVERNMENT PRESS IN SCOTLAND.

Mr. ABERCROMBY rose, pursuant to notice, and said that he sincerely assented the House, that he was obliged to appeal to it for its indulgence, for occupying its time on a subject exclusively national. He did so at the very outset, as the transactions to which he alluded took their origin in Scotland, and exclusively applied to the people of that country. (*hear.*) But he was convinced that the House would feel, when a great public injury was done, that the people had a claim on the notice of the House, and had also a right to redress. (*hear.*) If he could show that the Noble Lord opposite (the Lord Advocate) and the colleagues with whom he was connected, were a party to acts incompatible with the impartial discharge of their duty—if they were engaged in a systematic attempt to traduce and calumniate certain individuals, and to fix upon others a stain which no man of sense, honour, or feeling could endure; if they attacked the moral character or the profession of others; if he could show that all this was done under the countenance and encouragement of those to whom the administration of the laws was intrusted, and that the forms of the laws were perverted from bad motives, he was entitled to call on the House not to remain passive or indifferent to such manifest injustice. He stood there most certainly in what might be called the capacity of public accuser. He well knew that no man could wish to come under that denomination, but he also felt that no honest man would shrink from the dread of being so called, if duty and peculiar cases required it. If he were capable of bringing such heavy charges as he would do, on slight grounds, or without consideration, he would be liable to the worst imputations; but when, on the other hand, he felt that an outrage against the best interests, and against the moral feelings of the country had been committed—when he thought that a gross attack had been made upon the personal liberty of the subject, and the law perverted to the worst of purposes, he would speak loudly on such crying abuses. He had no dread of the odium of a public accuser being applied to him, nor would he shrink from his duty. (*hear.*) He must first call the attention of the House to a detail of the facts, and then enforce them with all the arguments he could bring, and the reasoning he could command. If the subject stood in the need of collateral aids, he would find them in the conduct that had been pursued towards him since his first intimation to the House upon the subject, and the unnecessary obstacles that had been thrown in his way. He might make observations upon that delay accompanied with much harshness, but he threw them out of the question altogether. As to the delay of five days which had taken place on his own part in bringing on the motion, he would explain in the Learned Lord's presence what he did in his absence. The notice stood for the 20th inst.—the trial of Mr. Murray Borthwick took place on the 17th, and he was bound to take his chance of that trial being concluded, and take advantage of whatever facts appeared upon it. He would then say, that the sufferings of that individual were of a most aggravated nature, and deserved the best consideration of the House. (*hear, hear.*)—For better understanding of the subject, he would first call their attention to the investigation of the extent of the legal powers of the Lord Advocate of Scotland, and then see their application to the case of Mr. Murray Borthwick. With respect to the motion which he had made, and which he thought it was the first importance deliberately to entertain, he could not expect that the House would come to any conclusion on any statements of facts made by him in comparison of the Learned Lord, or pronounce sentence that night upon either. But he should call on them, not only for the sake of the character of the Learned Lord, but in justice to the people of Scotland, to give the subject their free and impartial consideration in a Committee. And when the result of that investigation was made known, he would then, and not till then, call on the House for its decision, and to pronounce an opinion on the subject. (*hear.*) He would at once enter into the consideration of the subject; and with reference to the extent of the Lord Advocate's rights, he found that he possessed in his own person all the powers of the long-expired Privy Council of Scotland. The Lord Advocate, the Lord Chief Clerk, and the Chancellor, constituted the component part of the Executive of Scotland. It might appear extraordinary that such great powers should be invested in these officers; but far less danger proceeded from the exercise of them divided among a number of individuals, than when put into the hands of a single person. In 1804 these powers, before divided among so many persons were claimed boldly by the then Lord Advocate, now the Lord President of the Court of Session in Scotland. These powers were so unknown and of so uncertain a character that he could not describe them, but nothing could be more frightful, dangerous, or appalling to the liberties of any country than the existence of unknown, indefinite, and indistinct powers which might be claimed at any time. He was aware the Learned Lord would not now claim the whole extent of the power which was once enjoyed by the Privy Council

of Scotland, one of which was the power of superseding all orders of the other Courts, and another that of summoning all criminals to trial before them. The Learned Lord was sole prosecutor in almost all cases in Scotland; for the private party who prosecuted was obliged to come into such close connexion with the Learned Lord, that he might be considered actually the sole prosecutor. He brought persons to trial uncontrolled by any Grand Jury, and he might of his own authority proceed against any person he pleased. It was true some restraint was imposed on him by the Act of 1701, and were it not for this he could keep any person as long as he liked before he brought him to trial. By the Act of 1701 he was compelled to bring to trial within 60 days after commitment; but the Lord Advocate could by a new proceeding, called *novo tempore et loco*, or changing the time or place of trial, keep a person in prison 140 days before trial; then, perhaps the individual was acquitted, and where was the responsibility, where was his remedy, where was he to procure redress for the injuries inflicted upon him, he (Mr. Abercromby) knew not unless it existed in this House. In Scotland, if a private individual prosecuted, he was liable, in case of failure, to pay all the expense of the trial, and was first obliged to give security for the payment of them; besides, he should take an oath as to the truth of the facts charged, as far as his belief went, and his presence was necessary every day in Court during the proceedings; he was not even exempted by sickness, otherwise he lost all the advantages which the law attached to his presence. The result of this was, that few prosecutions were instituted by private individuals, and they were, in most cases, left to the Lord Advocate. In addition to these restraints upon the prosecutor, he was obliged to show that he either suffered a personal injury or was individually aggrieved. For instance, in the case of murder, the prosecutor, was under the necessity of showing a degree of propinquity between him and the person murdered; and if it were a nuisance of which an individual had to complain, the law proceedings were instituted either by the prosecutor of the parish or the Lord Advocate. These were some of the powers; and now it was necessary to consider the situation of the public prosecutors by whom these powers were executed. They were the Lord Advocate and the Solicitor-General, both of whom were appointed by the Crown, but the Learned Lord had also the power of appointing advocates depute, who were invested with the very same authority he possessed himself, and thus could multiply himself, as public prosecutor, as often as he liked. The object of his motion was to draw attention of the House to the exercise of these powers in the Learned Lord. Now, from all that he had stated, it appeared the Learned Lord possessed powers so extensive, that they ought to be carefully watched; and in proportion to their undefined character, so ought the vigilance of the House be exerted.—in such a situation, the Learned Lord ought to exercise a calm discretion as to those he brought to trial, and therefore ought to be possessed of that cool and deliberate feeling which was so essential a requisite in the judicial character, and above all he should not mingle in any proceeding with which he might, by any possibility, afterwards become connected in his official capacity. If any thing of a seditious character should issue from the press, it fell to his duty to be the prosecutor; if any libel, slander, or calumny should issue from it, accompanied with circumstances leading to a breach of the peace, and perhaps to more disastrous consequences, it was the duty of the Lord Advocate to interfere, and punish the offender. With regard to these circumstances, he did not charge the Learned Advocate with crimes of omission, but with crimes of commission; he charged him, an officer possessed of great powers, and whose duty it was to prevent it, him he charged with having given his money, his countenance, and his sanction, to promote, encourage, and maintain a system of libel and calumny against private character.—The House would also consider that in addition to these powers, the Learned Lord was also a co-existing Secretary of State, with the Right Honourable Gentleman opposite (Mr. Peel.) He was in direct communication with the Right Honourable Gentleman, and every one knew how much influence was acquired from that circumstance alone. He entreated the attention of the House to another topic to which he wished to advert. Every body knew how large a share of public interest the bar attracted in every country, particularly where there was no Parliament. It was the largest field for the display of talents, and the bar generally possessed amongst its members a large portion of the talent of the country. In Scotland the bar was the great arena for the display of mental powers, and possessing many persons of great talent, it had consequently a large influence in society. In Scotland the number of barristers amounted from 150 to 200, and the Learned Advocate had the recommendation to 80 important places. This must necessarily give him a great degree of influence, by which he could do much good, if he appointed persons of talent and knowledge to fill those places, and thus the public would be much benefited; but if, on the contrary, the patronage were improperly and partially exercised, what a curse did it bring upon a country? and if exercised for the purposes of slander and calumny, he could not conceive a greater misfortune to any country. Now he would call the attention of the House to facts. In 1820, a paper called the *CLYDESDALE JOURNAL*, was established at Hamilton, in

the county of Lanark; and in about ten months after was removed to Glasgow, and was called the SENTINEL. It was originally set on foot by gentlemen who resided in the neighbourhood. (*hear.*) This paper had previously declined; an effort was made in Glasgow to restore it, and an application was made to the Learned Advocate to sign it. The Learned Gentleman here read the paper containing the recommendation, which was to the following effect:—"The proprietor of the CLYDESDALE paper, not having sufficient means to continue the same and considering the state in which the country was placed from the dissemination of publications, whose object was to unhinge the principles of the lower classes and render them discontented, they wished to encourage a paper in opposition to those publications, and from the previous character of the CLYDESDALE JOURNAL, they thought the paper better entitled to their support." This recommendation was signed by the Learned Advocate; but it was now necessary to ascertain in what spirit that paper was before conducted. He did not see all the numbers of this paper but this recommendation was signed on the 20th Nov. 1820, and he asked was that paper so well conducted previous to that period, that it became the Lord Advocate, under any circumstances, to sign such a recommendation—(*hear, hear.*) Now he had seen copious extracts from it, which appeared prior to November, 1820, and he undertook to say that libels against individuals so gross and infamous never issued from any press; base and traitorous motives were attributed to individuals, even concerning their conduct in this House, particularly concerning a motion which had been made by his Noble Friend (Lord Hamilton.) Private character in the neighbourhood of this Journal was also arraigned, and motives attributed to them which would have rendered them unfit to be associated with. But he would not ask the House to form an opinion of the character of this paper upon his (Mr. Abercromby's) testimony; he would give the testimony of a gentleman who had signed the recommendation, and at the time he wrote the letter, to which he would allude, wished the paper to prosper. He was a gentleman of great respectability and property in the county of Lanark, and at one time received a mark of favour from her Majesty; these circumstances he mentioned only to designate the gentleman to whom he alluded, without having the slightest intention of throwing any imputation on his Majesty's Ministers. In a letter written by this gentleman, it was stated, "that, however loyal the principles of this paper are, it is greatly injured in the eyes of all respectable persons by its personalities against those in opposition to Government, which reflect no credit on it, and can do it no good; should the paper continue, which I hope it may, all these personalities should be avoided." This letter was written on the 18th Oct. 1820, one month before the Learned Advocate signed the recommendation in which the previous good character of that paper was alleged as one of the causes for supporting it. Now, in what way and with what a spirit this journal was conducted since, the calamity of Mr. Stuart and the death of Sir Alexander Boswell was a proof. It would be for the Learned Advocate afterwards to prove if he did at any one time withdraw his countenance from this paper. Did the Learned Advocate sign this paper in open day? No. What was the fact? Copies of it were sent round inclosed in letters to persons who supported Government, and so strong an injunction was imposed upon them not to divulge the secret, that they were requested to return the paper again to the individual who sent it.—(*hear, hear, from the Opposition.*)—And strange to say, out of 200 which were circulated, all but two were returned; one of those who did not return it was a Nobleman of high rank and character, and the other was a private gentleman, who, perhaps, from careless habits neglected to return the one sent to him. There was another circumstance to which he could not but advert: it was remarkable that Mr. Aikin the Sheriff Substitute of Lanark, and residing at Hamilton—an officer possessed of considerable powers, and who might have to decide in an action brought against the paper—was a proprietor of this journal. (*hear, hear.*) Did the Learned Advocate know that Mr. Aikin was a proprietor, and the author of several libels against the Duke of Hamilton, and who had persecuted the provost of Lanark, who was attached to that noble family, and every other person who was bound to it by affection and attachment? He (Mr. Abercromby) believed the Learned Advocate did know that Mr. Aikin was concerned in that paper, and he would prove that Mr. Aikin knew the Learned Advocate had signed the recommendation. (*great cheering.*) This he would prove beyond all doubt by positive and undeniable facts. And here he should advert to the Bill which was brought in by the Right Hon. Gentleman opposite (Mr. Peel), rendering the residence of Sheriffs necessary in Scotland, and to which Bill he (Mr. Abercromby) gave his support, but scarcely had he given it his support, when he was warned to take care of what he was doing, as a person would be appointed to Lanark by the Lord Advocate. He entreated the House to consider what had happened—the Sheriff Substitute in Glasgow was removed, and a new one appointed; but had Aikin been removed? Now he the said Aikin was the avowed author of scandalous libels, and being in a judicial situation the Learned Lord was bound to remove him. (*hear.*) Aikin must have been encouraged in his career of slander, from the very circumstance of knowing that the Learned Lord was a

supporter of that paper which dealt in calumny against private character. These were the main facts upon which he rested this part of his charges. He next came to the case of a paper better known to the Members of the House—the BEACON. This paper was first established in January, 1821. A resolution having been formed by some Gentlemen in Edinburgh, to set on foot a new paper, the first step was to procure a large number of subscribers, 800—a larger number than was ever before known to subscribe in Scotland. The next step was to find an Editor, and this individual opened an account with the banking-houses of Sir W. Forbes and Co.; but they, not considering the Editor a sufficient security, thought it necessary to be guaranteed by some additional security. Tho' they disclaimed any wish to mention names unnecessarily, yet as the individuals who guaranteed the Editor held public situations, he thought himself warranted in mentioning the names which were discovered in the course of the proceedings which took place in an action of damages brought by Gibson against Sir W. Rae, the Lord Advocate. Then the persons who guaranteed the Editor for any dealings he should have with the house of Sir W. Forbes and Co. were, Sir W. Rae, the Lord Advocate; Mr. Wedderburne, the Solicitor General; Mr. Forbes, Advocate and Sheriff Depute; J. Hope, Advocate Depute; Sir W. Scott, a clerk in the Court of Session; H. Drummond, a Member of Parliament and Advocate Depute; and he believed Mr. Arbuthnot, who held another situation in the law department. The Learned Gentleman here referred to the bond which was signed by these persons. It was, he said, a bond not of the ordinary kind; it was a bond of credit, to make good any loss which the house of Sir W. Forbes and Co. might sustain. In fact, by this bond, the bondsmen might be considered the proprietors of the paper. How was it conducted after it got into the hands of these persons? He would state a circumstance which would give the House some idea of the manner in which it was conducted; one of those who signed the bond, upon discovering the spirit in which the Paper was conducted, wrote a letter to the editor, saying that he would withdraw his subscription, and never again allow the paper within his house. Here was evidence of the strongest and most irrefragible description of the manner in which it was conducted. But then why did he not withdraw his name from the bond? He could not venture to do it without exposing himself to injury—(*hear, hear.*)—when it was considered in what relation the Lord Advocate and other Crown Counsel of Scotland stood. At length these bondsmen were discovered, and the moment it was known who were the responsible persons, it was impossible for the paper to continue in existence. So beset was it by those whom it maligned and belied, that it scarcely survived the discovery of those who signed it.—It would be now necessary for him to shortly state the circumstances connected with the correspondence which took place between Mr. Stuart and the Learned Lord. This correspondence took place between May and September last year, and the Learned Lord was charged as being the responsible persons; to which the Learned Lord replied, and stated his defence; and by that defence he (Mr. A.) was satisfied to stand. If the Learned Lord could satisfy the House by that defence, that he was justified in his conduct in either a moral or legal sense, then he acknowledged that he had no foundation for his motion; but if he could show that the Learned Lord had no foundation for the defence, he was entitled to call upon the House to give its sanction and support to his motion. The Learned Lord said he was against the attacks on private character, and that his only object was that the cause of truth and justice should not suffer; but to this disclaimer he would oppose the acts of the Learned Lord. He would ask what was the character of the GLASGOW SENTINEL down to the very hour to which he referred? At the time the BEACON was under the immediate protection of the Learned Lord, was it not in his power to prevent all attacks on private character if he thought proper? But had he done so? Let any man decide who had read either of these papers.—He would contend, that unless the Learned Lord could prove that there were no attacks on private character in the CLYDESDALE JOURNAL and the BEACON, or that he exerted himself to prevent such attacks, his disclaimer availed him nothing whatever. When detected and discovered, it would avail him nothing to say, "I am an enemy to all slanderous publications." (*hear, hear.*) He looked to the conduct of the Learned Lord from September, 1820, to November, 1821, in the course of which time one paper owed its existence to the money he had furnished, and another owed its death to the detection which had taken place respecting him. (*hear, hear.*) (The Honourable Member here read another document to prove the connection which the Learned Lord had with the BEACON.)—He knew it to be a fact that all the numbers of the BEACON were regularly sent to the Learned Lord. Indeed, if he wanted any further proof to convince him how deeply the Learned Lord was involved in the transaction of that paper, his mind must have been at rest upon the subject some few days ago, when, having turned over one of the numbers of the BEACON, he found an article in it headed "Mr. Thomas Kennedy's Bill," alluding to a measure which his Honourable Friend had introduced for altering the mode of impanelling Juries in Scotland. It surprised him not a little to perceive that all the arguments in that article were quite familiar to him, having heard them before; yet he was at no loss to discover in the seventeenth number of the BEACON, the very same speech which

the Learned Lord had delivered in that House, given topic for topic, and argument for argument, as he had spoken it. In fact, he found, that if he had chosen to cut it out and insert it in any of the Daily Journals (a thing of course he would not do) it would have passed for a report of more than ordinary accuracy. (a laugh.) The defence set up by the Learned Lord would avail him nothing in a legal point of view. He must know that he, as proprietor of the newspaper in question, was responsible for every article that appeared in it. What would be the conduct of the Learned Lord if he had to proceed against a person for having published a seditious article in a newspaper? What would be the situation of the person accused? He might say—"I did not know that this article had been inserted; I was entirely ignorant of the matter until it appeared, otherwise I never would have admitted it." This might be his plea, but it would avail him nothing. The answer of the Learned Lord would be—"You, as proprietor, are responsible; your ignorance of the article in question is no excuse." The Hon. and Learned Member then referred to the case of Captain Johnson, who as proprietor of a certain newspaper, in Scotland, was prosecuted for a libel, at the instance of the Lord Advocate, and found guilty, though it appeared that he was altogether ignorant of the offensive article, having been labouring under an inflammatory complaint at the time of its insertion, and unable to write any article for the paper. The Court, however, decided against him, though he was assisted by all the talents of some of the most eminent professional men in Scotland. Now the Learned Lord stood before the House and the country—before the people of England and the people of Scotland—nay, before the whole world—charged as the proprietor of a paper which had been denounced as one of the most calumnious and scurrilous that had ever yet been published. (loud cheers.) How then could he wield those arguments in his own favour, which he would not allow to operate in favour of any person on the other side. The Hon. Member next adverted to the statement made by the Learned Lord at the trial of Mr. Stuart, commenting on it as a thing quite unprecedented under the circumstances. Could the Learned Lord have forgotten that he had supported, encouraged, and paid, a paper, that had laid Mr. Stuart under the necessity of vindicating his honour? (loud cheers.) Could he have forgotten the base and malignant attacks that were made upon him in that paper? He wished to recall to the attention of the House one important circumstance; namely, that if these attacks led to a breach of the peace, the Learned Lord incurred the highest possible responsibility, considering the peculiar situation he held. To prove to the House that they were in every respect calculated to lead to a breach of the peace, it would be only necessary for him to read from the BEACON one or two passages. The Honourable Member then read a passage, which held out a direct incitement to duelling, by stating that the writers in that paper never refused personal satisfaction to those who had a right to expect it; and "therefore it was a gentlemanly publication." (a laugh.)—Such were the sentiments contained in a paper under the fostering favour and protection of the Lord Advocate of Scotland. He came now to a circumstance, in which two individuals had committed themselves in a most extraordinary manner. In the month of October, 1821, Mr. Stuart brought an action against the ostensible Proprietor and Printer of the BEACON, in consequence of an atrocious attack which had been before made upon him in one of the numbers of that paper. The Hon. Member here read the libel adverted to, which described Mr. Stuart as a most contemptible coward and poltroon, a shame and disgrace to the blood of the Stuarts, and a person deserving to be hooted by the lowest of the rabble. The same passage held forth the conduct of his opponent, a Mr. Stevenson, as every way worthy a man of honour, in having sent a challenge to Mr. Stuart, which the latter declined to accept. After having thus indulged in the utmost violence of abuse against Mr. Stuart, in order to provoke him to a breach of the peace, the writer concluded with these words—"We are not advocates for duelling, God forbid!"—(a laugh.) The House would see that Mr. Stuart had here quite sufficient cause to bring an action. Accordingly he did bring it, and the accused party put in a replication to answer, pursuant to the law of Scotland. The reason why he adverted to this circumstance in particular was, because the conduct of two of the Lords Depute was most singular in the line of argument they had chosen to take as Advocates for accused. They gave it as their opinion, that the "passage libelled on was justified by the facts, and came within the fair privilege of newspaper discussion."—The respondents (the parties accused) said these two Lords Depute offered to prove, from the practice of men conversant with the laws of honour, that Mr. Stevenson acted in the most gentlemanly manner. The two Gentlemen who had thus committed themselves where Mr. J. Hope and Mr. Duncan M'Niell (hear). They surely could not have wished to aggravate the charge against their clients; but while he acquitted them of this intention, he could not help believing that they acted from some strong motives which had that tendency; for to the mind of any dispassionate man the defence was an actual aggravation. He would maintain without fear of contradiction, that the language of the writers of the BEACON was calculated not only to lead to a breach of the peace, in a slight degree but even to the dreadful crime of murder, and they were, if not legally, most assuredly moral-

ly responsible for the blood that had been shed on a recent melancholy occasion (hear). All he now asked was, that the House would do him the honour of listening with attention to the statement of a plain fact, that disclosed a case of the most nefarious oppression. He alluded to the case of William Murray Borthwick. In the year 1820, that individual was the proprietor of the CLYDESDALE JOURNAL, the same paper that had experienced so liberal a protection from the Learned Lord. He at that period was in connection with a person named Alexander, who sometimes was engaged at a salary, and sometimes acted as a partner. However, in the year 1821, they conducted the GLASGOW SENTINEL together. In a short time, Borthwick became dissatisfied with Alexander, and found that numerous actions would be brought against the paper in consequence of the libels he admitted. On the 14th of November, they agreed to dissolve the partnership upon the condition that Borthwick, for his share was to receive 20l. in money, and bills with good security for 90l. to be made good before December 8. Alexander, however, not having complied with the terms of the bargain, Borthwick instituted proceedings against him on the 18th of December before the Magistrates of Glasgow, in order either to make him fulfil his engagement, or get himself reinstated in the property which he had surrendered upon that understanding. It was only on the day Alexander had received notice of legal proceedings having been instituted against him, that he advertised the dissolution of partnership. On February 14, the Magistrates of Glasgow having heard the case, gave judgment in favour of Borthwick, deciding, that as Alexander had failed to fulfil the terms of the contract, he should within six days, either deliver the bills with good security, or surrender back the premises. The six days having expired, and the bills not being forthcoming, Borthwick applied for a warrant to re-enter the premises, and it was granted accordingly. He did not however take possession on the 20th, but delayed doing so till the 1st of March, when he went to the house, and having staid there ten hours, carried off with him such papers as he thought proper, together with the key. All this he did in direct pursuance of the legal authority with which he was vested. From the month of November to March, Alexander took no step whatever to meet the process which had been instituted against him. However, on the 2d of March he contrived to get Borthwick arrested for a debt which he trumped up against him, and the latter remained in confinement to the 10th. On the 11th Borthwick resumed possession of his premises, and the first step taken by this alleged thief was to proclaim his theft to the world. He applied to the Magistrates of Glasgow, saying, "I have done all this, and I call upon you for your protection." By the law of Scotland the Procurator Fiscal was responsible, when a charge of theft was brought in his name, if that charge could not be sustained. But what did that officer do? Why, well knowing that the charge brought against Borthwick could not be sustained, he altered the form, and declared it to be brought at the instance of Alexander, with the concurrence of the Procurator-General; the words "concurs only" being subscribed to the document. Borthwick was soon after examined on the charge before the Magistrates of Glasgow, who knowing all the particulars, immediately set him at liberty. He (Mr. Abercromby) was sorry to say, that the only impartial judges before whom Borthwick was brought, were the Magistrates of Glasgow. From Glasgow he proceeded to Edinburgh, thence to Dundee, where he lived without the least concealment. Having shown the papers which he got possession of, proceedings were instituted at Edinburgh to recover them, and Mr. Stewart was one of the parties involved in the affair. Meanwhile the duel took place, and opened quite a new course of things. In the proceedings before the Sheriff at Edinburgh, all that had previously taken place at Glasgow was disclosed, for Mr. M'Niell, who acted as Counsel for Alexander, must have known the whole. He must have known that Borthwick was legally justified in all he had done; yet on the 3d of April, Borthwick was arrested at Dundee, under the supposition that he was about to fly from justice to America; though it was not likely that a man, about to cross the Atlantic, would go to the eastern coast of Scotland to take shipping. He was, however, not only arrested, but put into irons. (hear.) Mr. Borthwick was thus arrested on the third. He was immediately put in irons, which were too small and so confined, that they produced the most violent pain and the most grievous sufferings. He was obliged to pass the streets placed between two officers of justice, as if he had been the greatest of malefactors, and the most odious of criminals. Thus ironed and manacled, and thus placed between the officers, he was taken in a coach to Edinburgh, where he was committed to prison, and was deprived of the advantage and comforts of seeing his friends or communicating with his agents. Such was the treatment he received on a charge of having stolen his own property. (hear, hear, and cheers.) On the 6th of April he was made acquainted with the charge and with his prosecutor. The 24th of April was fixed for his trial. He was accordingly indicted and came into Court on the day fixed for his trial. The public prosecutor, however, did not wish to prosecute, and declined proceeding to the trial. Mr. Borthwick's Counsel at the same time, tried every possible means to induce the prosecutor to proceed with the trial. They knew the charge against their client was without foundation, and they entertained the utmost consciousness of his innocence. Mr.

Borthwick was the devoted victim to the views and designs of the Learned Lord and his associates. He did not make those assertions lightly. He would give the House proofs of those assertions. Mr. Hope, in the first instance, deserted the prosecution, *par loco et tempore*. He declared he did not wish to proceed to the trial. But the circumstances under which Mr. Borthwick was charged, could not have undergone in the mind of the prosecutor, the least possible alteration. Mr. Hope said he would not proceed with the trial, but he would not actually withdraw it, for he had yet the space of forty days. He would tell the House what Mr. Borthwick's Counsel had stated, and they would see then what was offered. But he wished it to be remembered and borne in mind by the House, that this was a proceeding entirely between his Majesty's Law Authorities in Scotland and a person who had been charged with stealing his own property.—(hear, hear, hear.) Mr. Borthwick's Counsel stated that he could not take the benefit of Mr. Hope's offer, for if he did, by the Act of 1701 he could never get rid of the charge. He therefore told him that he would defy him, that he would remain in prison, and could obtain by the benefit of the Act of Parliament what they consented to give him. Mr. Borthwick resolved to take the forty days, and he removed from Edinburgh to Glasgow gaol. When no proceeding was instituted against him for the first forty days, he insisted he was then entitled to his discharge, and they accordingly made an order. But then a charge was immediately preferred to the Justiciary Court by Mr. Alexander, who was bringing his charge at the instigation and by the desire of the Lord Advocate, which the Learned Lord himself dared not do in person, and which the Magistrates of Glasgow declared to be without foundation. The Learned Lord countenanced and supported that charge, as much as it was in his power, by giving the *concourse*. But it may be argued that the Learned Lord was obliged to give his *concourse*, and that he could not withhold it. He would beg the attention of the House to the observation of Mr. Hume on that subject. Mr. Hume in his writings asked "if it could be laid down as established law, that the Lord Advocate could not refuse the *concourse*? It could be so laid down," said Mr. Hume, "for when the application is not made by the party who is affected, the Lord Advocate is perfectly justifiable in withholding the *concourse*. If the Lord Advocate refuseth *concourse*, the remedy for the subject is to be found in the Justiciary Court." Mr. Borthwick had been committed on a certain charge, which was not proceeded on. Then Mr. Alexander came forward and applied to the Lord Advocate, saying "give me the *concourse* and I will keep him longer in confinement." Could the Learned Lord maintain that in a case of such manifest oppression, he could not refuse the *concourse*? Could not Learned Lord that he was placed in such a state that he could not refuse the *concourse*? that he could not stand between the innocent and persecution? and that he could not resist such oppression? (loud cries of hear.) If that was the case, he (Mr. Abercromby) trusted that before the end of the Session, although even so far advanced, the House would relieve the Learned Lord from concurring in such persecution, and would by an Act of Parliament grant him the power to refuse the *concourse* in case of such glaring oppression. (hear.)—The House was besides to bear in remembrance that there were not Grand Juries in Scotland as in England.—(hear, hear.)—If the Learned Lord Advocate was of opinion that Mr. Borthwick was innocent at Glasgow, and if he did not then think proper to proceed against him, why did he not order him to be discharged? Why did he allow Mr. Alexander to prefer a charge against him?—(hear.) For that charge the Learned Lord knew that there was no ground nor foundation, and notwithstanding he assisted and countenanced the prosecution. Mr. Borthwick was however, after seventy days' confinement, discharged from prison without any trial, without having his case brought before any tribunal. The Learned Lord professed himself at one time the most zealous friend of Mr. Borthwick. In 1820 he was patronized by the Learned Lord, who assured him he should be very happy to use his influence in getting the Government advertisements and support for his newspaper. In 1820 the Learned Lord encouraged and protected, and patronized the journal of Mr. Borthwick. When he had traduced and vilified, and calumniated those individuals, who were the political opponents of the Learned Lord, and when he was afterwards arrested, and put in irons and dragged to prison, the Learned Lord thought proper to desert him, and joined with Alexander in persecuting him. But it was not until Mr. Stuart was acquitted, that Mr. Borthwick was set at large. Was not there evidently, by his detention, a disposition to inflame the minds of the public against Mr. Stuart? Who was there that did not know that a prejudice would be excited against Mr. Stuart, by the charge that those papers were stolen? Was there not in the whole of the business a direct attempt to implicate Mr. Stuart in those transactions? That prejudice was kept up at the very last moment. Those circumstances were very strong, and appeared to him to demand an inquiry by that House. If the House did not institute an inquiry into those facts, they were dead to all sense of justice, and they could not be said to entertain any love of liberty. He insisted that there could be no greater inroad on the liberty of a nation than that a Lord Advocate should be suffered to do with impunity and without censure, such acts as he stated to the House. He was most anxious for many reasons that an inquiry should be insti-

tuted into those transactions. As a Scotchman, he particularly wished it, because his Majesty's Ministers and the Hon. Members on the other side would thereby be able to know how Scotland is governed (hear, hear). The result of such an inquiry would let out most important facts connected with the government of Scotland. He was desirous of an inquiry for the sake of the Learned Lord himself, because without a full and fair investigation of the whole business, how could the Learned Lord hope to be free from blame? The Honourable and Learned Member then adverted to the action brought by Gibson against Cheap, as Editor of the DEACON, and to an action by Stevenson against Nimmo, who was employed on the paper at 25s. per week. The action was brought against the latter, on the ground that he was bound to indemnify Alexander for the loss he sustained with the Learned Lord in the action by Gibson. He would tell the Learned Lord that if he set any value on public opinion—that if he thought the good opinion of his fellow citizens of any value to his happiness, he ought to vote for an inquiry. Both the interest and the honour of the Learned Lord concurred in the necessity of submitting Cheap and Nimmo to be examined in that House. He Mr. Abercromby could never feel satisfied until both those individuals were examined on those transactions. He felt that he had already too long occupied the attention of the House. His own mind would be satisfied with the statements he had made, but his duty to the public and the country obliged him to leave no point untouched. The history of the case was, that before the DEACON was established, the EDINBURGH CORRESPONDENT was the favoured journal, which received the patronage and support of the Learned Lord. That paper had the Government advertisements and proclamations. But at the Queen's trial the DEACON was established, and received the Learned Lord's support and patronage. The Editor of the CORRESPONDENT complained of the loss he had suffered by having the Government advertisements and proclamations withdrawn from his paper. A negotiation was then set on foot with the proprietors of the CORRESPONDENT, and a great deal of discussion ensued, the principal part of which was as to the person who should be appointed Editor of the paper. That was a matter of considerable importance. For it was resolved that the Editor should be a person not known in Edinburgh. That circumstance was calculated to excite some surprise, because the Editors of papers are usually Gentlemen, who are well known, and who have a reputation for talent and ability. But the owners and patrons of that paper wanted a person who, besides being Editor, would perform the part of a bravo and a bully—(hear and laughing)—and they chose an Irishman, who was to be succeeded by a student of Oxford. In every one of those transactions and negotiations respecting the CORRESPONDENT, he should be able to prove that some of the Crown Counsel were engaged. The first witnesses he would call, if an inquiry was granted on that point, would be two persons named Watson and Wilson. It was incumbent on the House to institute an inquiry, and to lay open all those dark and mysterious transactions. The House was appointed arbiter on this occasion. The application was made to the Members of that House, because there was no other quarter to which it could be made. He would not ask the House to come to any harsh conclusion; but he would put it to them if he had not made out a strong *prima facie* case for an inquiry. He had shown that those papers were supported, maintained, and patronised by the Government in Scotland. He did not make a charge on any persons for being concerned with newspapers. But the Learned Lord who was to take a share in the prosecutions arising out of the libels inserted in those papers, should not have any share or controul over them, or be at all connected with them. In Lanarkshire, and in the district of Hamilton, libels were circulated, and the greatest anxiety and heart burnings produced. All the papers from Inverness to Dumfries were on the same plan of libelling, and following closely the example of the Learned Lord's paper. All the papers were supported by persons in office, who looked up to the Learned Lord for advancement and promotion. In imitation of the example set by the Learned Lord, libelling in newspapers became a system, and they had in consequence to lament the death of the excellent Mr. Scott, (for the libels were not confined to Scotland) who was the first that fell a victim to their pistols. He would beg the House to take those charges into their most serious consideration. He did not ask of them to pronounce any opinion on them, but to institute an inquiry. The Honourable and Learned Gentleman concluded amidst loud and continued cheers, by moving "that a Committee be appointed to enquire into the conduct of the Lord Advocate, and the other Law Officers of Scotland, and especially with respect to the prosecution against William Murray Borthwick, and to report their opinion on the same."

The question being then put from the Chair,

The LORD ADVOCATE rose. He was not prepared by the notice given by the Honourable and Learned Gentleman to expect so general and comprehensive a charge as was brought against him that night. The notice of the Honourable and Learned Gentleman imported no more than an inquiry into the conduct of the Lord Advocate in connexion with the press of Scotland. He stood before the House then for the first time, with a distinct knowledge of the charges against him, so different from what

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the notice had implied. He was justified in saying that if the Hon. Gentleman placed any reliance on the truth of the charges which he brought forward that night, he ought to have produced them long before, and immediately after the commission of the offence. It was only three days after the death of Sir Alexander Boswell, in whom he lost a most valued friend, that an undefined notice was given, and that undefined notice afterwards renewed, till his duty—a duty of a most difficult and painful nature, called him away. The Hon. Gentleman had that night produced a charge, the object and effect of which was to prevent him from any longer discharging the duties of the office which he held; for it was impossible that any one against whom such charges were proved, could be left in office. He never thought that his private and personal conduct, on which his fame and character depended, would become the subject of enquiry in the House.—He would put it to the House whether he was also to answer for the acts of others, and whether he was responsible for the conduct and private transactions of other official persons? He would ask, if the subject should not be divided into two separate questions? Ought not the Honourable and Learned Gentleman to take his (the Lord Advocate's) conduct separate from that of the Advocate Depute and examine the one first and the other after? The Honourable and Learned Gentleman alluded to the statements in the public papers calculated to prejudice parties. But there never was a time in which the public press had so teemed, as it did for the last eight days, with publications calculated to prejudice the case then before the House. It appeared from the statement of the Honourable and Learned Gentleman, that he was aware an action was then pending against him (the Lord Advocate) on the issue of which depended the sum of 10,000*l*. The issue to be tried in that action was, whether he (the Lord Advocate) was or not the proprietor of the paper. That issue was to be tried in the next month. He would put it to the House, whether the agitation of the question in that House was not calculated to prejudice his case, and to effect a decision on which depended the sum of 10,000*l*? The House was aware of the difficulty he was put under in regard to Hope, Cheap, M'Neill, &c. and would see the impropriety of having their defence, as well as his own, intrusted to a person, who had not sufficient notice of the extent of their charges. The law of Scotland gave a prisoner, who had been arrested after assizes, the power of demanding his trial after one hundred days. He would ask the Honourable Gentlemen opposite, if during the whole course of the late State trials in Scotland, the course of the proceedings was not fair and impartial. He now came to the consideration of the charges personal to himself. And, first of all he would declare that the statement of the Honourable Gentleman was entirely new. He solemnly declared that except occasionally it was sent into his house, he had no knowledge of, or concern indirectly or directly with the paper called the *CORRESPONDENT*—and, with respect to the whole of the charges of the Hon. Member, he would be the first to call for inquiry into his conduct, and would gladly wish success to the motion, but that its being carried would imply a degree of censure on him, which he did not deserve. As to the paper called the *SENTINEL*, so help him God, he never supported it in any shape, encouraged, or read it. The Learned Lord then produced a letter which he received from a person of the name of Borthwick, dated 3d of November, 1819. The writer described himself to be a person moving in the lowest walks of life; and stated, that having witnessed the licentious state of the public press in Scotland, and its fatal consequences on the minds of the people, he was induced to think that if a paper, conducted upon opposite principles, were set up, it would be greatly tending to counteract the vicious effects of the existing press. He was disposed to take upon himself to set on foot such a publication, but was prevented by the want of the pecuniary means. However, under the sanction of the Lord Advocate, and by his interference with his Majesty's Ministers, he had no doubt that, on application, he would receive the support of many of the gentlemen of the country. To this application, he replied, by stating that however desirable the establishment of a publication of the tendency alluded to by the writer, would be, yet that it was not the practice of Government to enter into engagements of that nature, and therefore he must decline recommending the individual to the consideration of his Majesty's Ministers. This letter was dated the 4th of November, 1819. He heard no more of this individual until November, 1820, when he came with a paper, signed by an Honourable Member of that House, and several other gentlemen of the County of Lanark. Certainly the impression on his mind, until he heard the speech of the Hon. Member, was, that he had not signed this paper. (Here Mr. Abercromby threw a paper on the table, which was taken up by the Lord Advocate.) He admitted that he had signed it. He was a freeholder of the county of Lanark—all his connections were there—and he saw a second recommendation, signed by many respectable persons who were known to him. When he saw the evil influence of the press at that moment, urging the people to acts of rebellion, was he to be censured if he had given to the individual coming forward to check these evils, as far as he might, a recommendation which would enable him, perhaps, to carry his good intention into execution? But could this recommendation be construed into a sanction of whatever that individual might afterwards do or cause to be written? He gave no money

—no other encouragement than what he had already stated. The paper, however, the *CLYDEDALE JOURNAL*, ceased—the property of it was sold to a man of the name of Alexander. Borthwick became a bankrupt. These two individuals afterwards went to Glasgow, and jointly set up a paper called the *GLASGOW SENTINEL*. His information was, that the former paper was a perfectly innocent publication, and had nothing of the spirit or tendency ascribed to the subsequent one. But could he be answerable for the principles or conduct of this paper. It was set up under a new proprietorship, and after the lapse of a year from the period that he signed the recommendation. He utterly disowned that paper—he most solemnly declared he had not the most distant connexion with the paper—he never purchased, read, or saw it. (*cheers*.) He now came to the charge with respect to the *BEACON*. It was certainly true, that at the close of the year 1820, a number of Gentlemen of the greatest respectability—and to suppose that he (the Lord Advocate) possessed any influence over them would be to do them the greatest injustice—thought that it would be a great advantage to the country, on account of the state of the press in Scotland, if a newspaper were set on foot, not to act as an engine of oppression, but to meet the immense number of libellous publications that were then afloat in the country. It was suggested that a sum of 1,500*l*. would be wanted. Subscriptions were proposed of 100*l*. each; he was applied to subscribe, and he did. He was not disposed to conceal the truth. He was prepared to contend that the object of the gentlemen who subscribed was fair, honest, and legal. It was impossible for him to give the House a notion of the state of the press at that moment. It was sufficient to refer to the number of prosecutions that took place, and the number of victims that were found of acts to which they had been excited by inflammatory writings. It was sufficient to refer to the number of addresses sent up from Scotland describing and complaining of the evil. He was applied to give his subscription he did so, first with the view of sounding the wholesome intentions of the parties who had been active in promoting the establishment of such a paper; and next because his refusal to give such a sum from his own private purse would subject him to imputations which he disliked. The publication of the *BEACON* commenced in January 1821—he left Scotland just at that time on official business, in London, where he remained till the following June. He did not deny but that the paper was sent to his family in the mean time.—He had not seen much of it—very seldom took it up, for it was not his practice to read newspapers at all. The Honourable Gentleman had stated that this paper contained a series of libels; but the Honourable and Learned Member knew enough of the law to understand well that assertion was not enough in cases of this kind, there must be proof. Why did not the Honourable Gentleman read for the House some of those passages he charged with containing libellous matter? The only instance of alleged libel that the Houses could take cognizance of, was the case of a Noble Lord on the opposite side of the House, decided within these few days; and there the case was determined in favour of the paper, for they gave but one shilling damages, (*cheers from the Opposition*.) Certainly he considered the verdict of one shilling damages to be a virtual denial of the charge of libel. (*continued cheers from the Opposition*.) He now came to another part of the question. He had received a communication on the part of a person of the name of Gibson, stating that he would bring an action against him, as one of the persons who had signed the bond. In reply he sent a copy of the bond, and consequent upon that was the correspondence to which the Honourable Gentleman had alluded. It was necessary that he should state, with respect to the subscription, the mode of proceeding to be, that each subscriber gave authority to a banker to advance the sum, and he became a surety for the repayment within a certain time. Now it was expressly stipulated between the parties to the bond, that they merely subscribed so much; that they had no control over the conduct of the paper; no responsibility; no proprietorship. The Hon. Gentleman, however, thought that notwithstanding this express agreement, they were still responsible. He (the Lord Advocate) was of a contrary opinion. But the question was now before a judicial tribunal; and it would be for the House to determine, whether or not they would prejudice the decision, by the declaration of their opinions. On his return to Scotland he received many letters of complaint against this paper; he saw that it was an ill-conducted, stupid document, and that his hundred pounds were gone. He at once withdrew his name from the bond, and the other gentlemen whose names were signed to it followed his example; and this he communicated to one of the parties complaining of being libelled in that paper. He would ask if there was any thing in his conduct as a private individual, which ought to subject him to the censure of the House? But he would defend his public conduct, which had been arraigned by the Hon. Gentleman. He need not inform the Hon. Gentleman, that it was not his duty, in his public capacity, to institute a prosecution in cases of private libel.—If a libel appeared in a paper reflecting on a private individual, that individual had his remedy in an action for damages, as in the case of the Noble Lord (Archibald Hamilton.) But supposing that a seditious article against the King had appeared in the paper under consideration—a thing not very likely, he ad-

mitted—he wished to know what was there to prevent him from instituting a prosecution, and carrying it forward to the last extremity against the proprietors of that print? Surely it could not be the consideration of risking his hundred pounds; and if not that, he was at a loss to know what it was that ought to induce him to withhold the punishment of the law. Under all the circumstances of the case, he trusted that the House would see that he had not done any act which was not justified by the best intention. The Honourable Gentleman had next proceeded to animadvert on the conduct of the two Advocates Deputies, Messrs. Hope and McNeill; he protested against the unfairness of bringing charges against those who were not present either by themselves or a representative to undertake their defence. But it was extraordinary that these Gentlemen should be censured for what they did as private characters in a particular case—they came forward before a Court and a Jury to state that case, and he believed this was the first time that a barrister was arraigned for stating the case of his client; it was their duty so to do—he knew those gentlemen to be men of high honour and feeling. It was true they were appointed by him as his Deputies, but surely that did not exclude them from practising as private barristers. He complained then that charges should be urged against those gentlemen, and also a Mr. Laing, who was not a Deputy, without the possibility of their being able to meet the accusations. The statement made to Mr. Hope was, that a theft had been committed; for a warrant was not legal which was not regularly extracted by a Messenger and put into his hands. The person charged broke open the desk with the felonious intention of taking away papers out of it, and did take away the private papers of a private partner, Mr. Alexander. These were the facts stated to Mr. Hope—a prosecution was instituted—the prisoner was apprehended. The Hon. Gentleman stated that he was cruelly treated in prison.—He (the Lord Advocate) could not speak to that assertion, but he would boldly state, that no order whatever was given by the Town Council for loading the prisoner with irons. The day of trial came, but the prosecution was withdrawn, for no other reason than that this, that the decision might prejudice the case of Mr. Stuart, whose trial was shortly to come on. As to the powers of the Lord Advocate, he might have kept the individual forty days longer in prison had the persecution of that party been the object desired. But if that individual had sustained injustice, he had his remedy in a Court of Law. Under such circumstances, he hoped that the House would suspend its judgment. With respect to the granting of a concurrence, it was a proceeding that was issued as a matter of course. It was what the Lord Advocate could not withhold, if the parties were willing to incur the expenses. In conclusion, he felt himself bound to say, that the Government of the country was not cognizant of the support he had extended to the paper in question. It was not party to what he had done. It was not privy to the steps he adopted to advance the publication. If a wrong had been done, that wrong wholly attached to him. If a wrong had been committed, the censure of the Commons of England must fall on him, and on him only; a censure that must be followed by his removal from office. He hoped, however, that he might not be thought to have incurred the displeasure of that House; but if the result were of a different nature, however deeply he might feel it, he should bow to the decision. He knew that there were many individuals who were quite as able to fill the office as he was; but he was sure, that there was no one who could endeavour more earnestly than he had done to discharge with propriety the important duties of the high office of Lord Advocate.

(Much cheering marked the conclusion of the speech, immediately after terminating which the Lord Advocate withdrew from the House.)

Mr. Secretary PEEL felt assured that the House would extend indulgent consideration to the individual whose conduct was now made matter of charge; and that they would not let their sense of justice be improperly affected by those appeals to the passions, which ought to have been discarded from so important a case as the one under debate. He was sure that the Honourable and Learned Member who had brought forward the motion did not intend that such appeals should operate to the undue prejudice of the party accused. In mentioning the death of Sir A. Boswell, he considered the notice of the widow and the family as partaking of this character; and if such notice were somewhat out of place, the reference to the other case—the death of Mr. Scott, was still less called for. *(hear.)*—He had also to complain, from the like cause, of the language quoted from Mr. McNeill and Mr. Hope. It could not be thought that advocates were to be too closely bound to abide by the language which they might at times deem it right to use to support the cases of those whose causes they pleaded. The House would, perhaps, permit him to advert to some of the points of the Hon. and Learned Member's speech which had been urged as criminating the Lord Advocate. The last circumstance that had been dwelt upon, was calculated to produce considerable impression; it had made a strong impression on his mind when first stated. He meant the imputed conduct of the Lord Advocate respecting the CORRESPONDENT, which had succeeded the obnoxious publication. The object of the Honourable and Learned Member was to show, that the Lord Advo-

cate, notwithstanding all the fatal results that had been the consequences of the preceding paper's system, still persevered in supporting what had produced so much calamity. But what was the Lord Advocate's answer? He replied that, on his honour, he had not any connection with that paper. As to the other paper, the SENTINEL—if it were admitted that the paper had indulged in calumnies—what was the answer of the Lord Advocate? That he was no party, that he knew nothing about the establishment of it. With respect to the CLYDESDALE JOURNAL, the Lord Advocate had not sought any connection with it. Borthwick wrote to the Lord Advocate about it in 1819, to which application the Learned Lord replied, that he knew Government were not in the habit of supporting papers, and that he would not hold out the hope of any advantage resulting to Borthwick from pursuing the course that had been suggested. He adverted to this letter which had been previously read, to show the intention of his Lordship. Did that letter evince any desire to interfere with the public press of the country?—did it show any wish to promote a system of libel and calumny?—did it display any earnestness to apply the influence of his office to the promotion and circulation of slanders? Next, Mr. Aikin had been mentioned as further proof of the existence of the system. It was said that that Gentleman was party to the attacks on private character; and that as circumstantial proof of it, Mr. Aikin had been appointed Sheriff Deputy by the Lord Advocate, with the view of more effectually promoting the system. But he (Mr. Peel) was answerable for that charge. It had resulted from a particular Act of Parliament respecting Lanarkshire, &c; and the appointment was not made till after a lapse of more than two months, during which Lord Melville and the law authorities in Scotland were consulted as to a fit persons to be recommended to his Majesty. Mr. Aikin was in consequence named. According to Parliamentary documents, the Earl of Glasgow Lord Lieutenant of Renfrewshire, said, that on his return he had found the public mind greatly agitated, and that seditious sentiments and revolutionary opinions, were dangerously prevalent. *(hear, hear.)* He knew it was the fashion to seignify value on such testimony and even to think slightly of what the Parliament had done to meet the dangers of that period, but he would defy any one to look over the evidence that existed, and deny that the country was then in a most alarming state. *(cries of hear, hear.)* There were those in and out of that House who contended at the time that discussion ought to be met by discussion; that loyal sentiments should be made to take the place of seditious sentiments; and that such was the true course to avert those dangers which new laws were required to defeat. Then might not the Lord Advocate, admitting the force of such argument, or desiring to see what benefit could be produced by means of the Press, feel disposed to support publications that professed to promote such objects by legitimate discussion? and so long as they confined themselves to legitimate discussion, though it might not be prudent in a public officer to engage in such transactions, he could not perceive that such patronage ought to call down the censure of that House. As to the BRACON, he never saw any of its numbers; but he possessed the prospectus, and though its language was decided, its sentiments were not objectionable. It threatened no attack on private character; it promised no system of calumny; it called on the loyal to defend their privileges, if they deemed them of any value. It said also, that the evils of a free press could only be resisted by a wise adoption of its advantages. Those were the sentiments that were to guide the BRACON, and the bond said those principles were to be enforced by the publication. And would to God that the parties had acted in accordance with the sentiments professed by the prospectus! *(hear, hear.)* The intention of the Lord Advocate was correct. It was to oppose discussion by discussion; not to patronize that scandal which had led to such fatal results. He therefore could not see that in such conduct, however imprudent it was in the Lord Advocate to be concerned in such matters, there was any thing to call down the censure of the House.

Sir JAMES MACKINTOSH said that he was always unwilling to offer himself to the notice of the House at a late hour and still more when he was to appear as an accuser, or as leagued with accusers. Nothing short of the duty which he owed to the insulted decorum of the country of the necessity of vindicating the character of its Press—of protecting the peace of private families, and of rescuing public discussions from the stains of indecency, vulgarity, barbarity, and blood,—*(hear.)*—could have prevailed upon him to stand forward, as he now did, to impeach a high public Minister of Scotland, of whom he had reason to entertain favourable opinions for his private life; for if there was one particular more than another in which this country rose above its neighbours, it was the gentlemanly tone with which our public discussions were conducted. Temporary and occasional errors certainly might have sometimes infected them, but in their general tone they were calm, temperate, and gentlemanly. It seemed to have been reserved for the present times to see the press become an engine of systematized slander, and of the most violent and flagitious abuse, levelled indiscriminately against all, and that too under the insulting pretence of supporting the laws, vindicating the character and preserving the morality of the country. *(hear.)* The question now was, whether a public officer high in trust—

the ostensible agent and chief Law Officer of the Crown for Scotland, did not abet, secretly foster, and identify himself with a publication which was a nuisance to society. On one hand it was asserted that he had done so, and facts were brought forward in support of the charge which could not be explained away. Was there not, therefore, a good ground laid for inquiry? He would contend that the very nature of the publication, its undoubted flagitious and slanderous character, were *prima facie* grounds for inquiry. And when to this was added the fact that the Lord Advocate had been a subscriber and supporter of such a publication, who would not say that justice, law, and the character of this House called for some formal investigation of his motives? A Right Hon. Gentleman (Mr. Peel) had said that it was uncandid to condemn a publication because of an isolated slanderous paragraph. But was it true that only one paragraph of that nature disgraced the paper in question? Was it not a tissue of libels from its first institution to the moment of its demise? He (Sir James) would never convict a paper upon the testimony of a single paragraph; and when indeed upon a former occasion, he himself said something in praise of the editor of a London Paper, who had preserved his political consistency for forty years, he did not commit himself by denying that some occasional errors were not sometimes apparent in that publication; on the contrary, he admitted that such errors but too frequently crept in. (hear.) The Right Honourable Gentleman said that this should fairly be taken in the spirit of discussion. He (Sir James) was certainly no enemy to free discussion, but he protested against opposing slander to discussion, and rancorous abuse to reasoning. (hear.) The Right Hon. Gentleman said that the Learned Lord was justified in subscribing to the Paper by the terms of the prospectus, which set out its principles. If he had said that the professions of the Paper, not its principles, were set out, he would have been more correct, for every one acquainted with public men were sensible that between the meaning of the words there was a wide difference. But if he was deceived by the prospectus, why was he not undeceived by the practices of the paper? How did it happen that he continued his support full eight months after it became the most infamous publication that ever disgraced the Press? Oh, but then, "he had never read the paper," said the Noble Lord. This was no more than he said of the CLYDESDALE JOURNAL, and yet he ventured to recommend it, as a safe paper, from the experience which he professed to have of its principles.—[hear.]—What would he thought of a man in private life, who would recommend a servant of whose character he knew nothing; and yet how much was the case aggravated against a great public Minister of the Crown recommending a publication which contained the spirit of poison? An attempt was made to show that the Learned Lord did not hastily give his support to the CLYDESDALE JOURNAL. It was not said that he did so. His virtue certainly stood a long contest—he long resisted the temptation, but upon the 20th of November, as appeared by Borthwick's trial, he did the deed which connected him with that paper. Even after its suppression he continued to act upon the same system, for the SENTINEL was but a re-appearance of the CLYDESDALE JOURNAL. But it was asked what proofs there were against the CLYDESDALE JOURNAL? There was Borthwick's evidence, who stated that in spite of all his efforts, the paper became the engine of the most gross slander and abuse. Not a word was offered to contradict him. There was besides, the offer made by his Learned Friend (Mr. Abercromby) that he would prove that the Learned Lord knew the flagitious character of the CLYDESDALE JOURNAL before he wrote the letter recommending it. One thing at least, was clear, that the Learned Lord recommended a paper which he afterwards admitted he had never read. Did he, or did he not know its principles—or why did he recommend it? It was not for the House to answer the question. A case, then, was made out for enquiry, and it behoved the House to take cognizance of it. The charges against the Learned Lord were of the first order; for could the House look without shuddering at what would be the certain consequences of a continuance of this system. He was not disposed to speak in harsh terms of Sir Alexander Boswell, and he was sure his Learned Friend was equally averse to it: but could it be questioned that the libels upon private character contained in the SENTINEL (a paper recommended, under the name of the CLYDESDALE JOURNAL by the Lord Advocate) were the cause of the death of that unfortunate gentleman? Did not this single circumstance prove the danger of the Law Officer of the Crown mingling in discussions of this nature, and sanctioning publications which, in their nature, could not act otherwise than to produce animosities and quarrels, which could be quenched with blood alone? (hear.) For certain it was, that so long as anonymous ruffians mad the ruin of private character their sport, no man would be so made as to limit his vengeance to such objects. He would look farther, and though the concealed supporters might, when unmasked, be black and hideous enough, yet he would be aiming, naturally, at the principals. If this was a consequence in ordinary cases, how much more certainly would it follow when every thing was put into requisition which could inflame the worst and rouse the most dormant passions. This paper, which disgraced its supporters, was engaged in an uninterrupted warfare against private character—disregarding alike the feebleness of sex, the inoffensiveness of age, or the obscurity of private life,

it seemed to have set at nought all those feelings which had been hitherto respected and respectable. Was the House to sanction a continuance of these practices? Would not the ruffians engaged in them glean confidence from impunity, and carry on their depredations with greater boldness, because acting under the sanction of the House of Commons? (hear.) Should these things be permitted? Was the House, the great inquest of the nation, upon a question when every principle of morality, law and justice, was violated, slumbering on its post. And what answer was given to all this? A justification? no—only a speech in mitigation of punishment, in which good intentions, good views, but a weak judgment, were urged upon the Court by way of appeal to its mercy. (hear.) No defence was attempted of the gross, abominable, and flagitious libels, because no defence could be made. In this respect, at least, the Learned Lord showed his goodness. As for the Right Hon. Gentleman (Mr. Peel), he (Sir J.) was sure he would detest the libels in question as much as any man. With such a conviction, therefore, he would not labour to persuade him that they were disgraceful to good society and to human nature. And if this were true, and that it was also true the Learned Lord had given his support to such a publication, what was the House about? Did the Learned Lord deny that he had any connection with this publication? He did not. It was in proof that he subscribed to it, that weekly payments were made from his banker for it, and that he paid for printing and circulating it. It was not easy to conceive how he could be more actively engaged. But then he was not the editor—that is, he was not the person responsible for it by law. He (Sir J.) did not care whether he was or not; he did not ask here that sort of technical evidence which would be requisite to convict him before a Jury. The House was not a Court of Justice, encumbered by forms, or restricted by precedents. In Courts let them view things as lawyers, here they were viewed *diverso intuitu*. The question was not whether a private individual could be convicted as editor, in the legal sense, but whether an officer of the Crown, responsible to that House, had or had not deserted his duty, by giving countenance to a publication which slandered all that was private, sacred, and respectable in character. (hear, hear.) This was the question; but the House were not called upon to pronounce upon it in the affirmative. Inquiry was all that was asked, and the strongest grounds were laid to call for that inquiry. The House were called upon to inquire, not whether this public officer did himself publish these slanders, but whether his example did not tend to barbarize public discussion, and to give to political contests a character of blood, duelling, and eventually, assassination. The suit in which the Learned Lord was engaged had nothing to do with this question. Neither was there force in the objection, that more subordinate agents ought to have been responsible. The Right Hon. Gentleman would not have them bring a constable to the bar of that House. The larger the powers of the officer were, with the more jealousy should the exercise of his authority be watched over. The Lord Advocate of Scotland was an officer of great merit and undivided powers. He united in his person the duties of the Grand Jury, (for there were no Grand Juries in Scotland), the Privy Council, and the Old Council, which consisted of the Lord Chancellor, Lord Privy Seal, &c. before the Union. He was also Commander-in Chief of the forces, for the present Lord President of the Court of Session, boasted that when he was Lord Advocate he issued no less than 800 instructions to military officers in less than three months. The Lord Advocate was in fact the Viceroy of Scotland. (hear.) And this extent of his power ought to be the stronger reason for enquiring into his conduct. But it was said, that he was not bound to read every paragraph in a newspaper. As a general principle he certainly was not, but it was a little to be wondered at, that he had not looked to the contents of a paper to which he had for eight months been subscribing. (hear, hear.) The Honourable and Learned Gentleman then proceeded to remark upon the prosecution of Borthwick for a capital felony, because he had used his own papers in his defence, as another feature in the system which the Learned Lord was pursuing in Scotland. He contended that the only reason for the prosecution against this individual was, that he had revealed the secrets of the prison-house, and turned round upon his accomplices. He then summed up his arguments, and concluded by again calling upon the House, if it had any regard to its own character, or to violated decorum and justice, to enter upon an enquiry, the grounds of which were unusually strong, and the necessity of which was uncommonly pressing. (hear.)

The Marquis of LONDONDERRY said, it was no small infliction on any individual to have a charge of so heavy a nature entertained against him in that House. It was a little too much to call on the House to decide upon the case of Mr. Borthwick, when the first they had heard of it was on that night. So far as the question related to the Lord Advocate, it only touched him in his constructive responsibility. (hear.) Under the mask of attacking Mr. Borthwick, they were insidiously called upon to send Mr. Hope and Mr. McNeill before a Committee up stairs. He would not argue that point much further, as the Honourable Mover of the question must feel that his Learned Friend had taken that branch of it from under him. (hear and a laugh.) It would be disgraceful to the House

and a denial of justice to the subject, if they were to send any of the parties to a Committee up stairs, when he was on the point of being tried in a Court of Law for the same alleged offence. It was not contended that there was any neglect of public duty on the part of the Learned Lord, the libels which appeared in these papers were not political—they were not private calumnies, which in his station as Lord Advocate he could not undertake to prosecute. The whole question, before the House would resolve itself into that which the Learned Lord had done, not in his official capacity of Lord Advocate, but as a freeholder of the county of Lanark. (*hear, hear.*) The Honourable Gentleman had spoken lightly of the suffering it is to be brought before a Committee up stairs. What would he say if it was his own case? Would he look upon it as a mere party of pleasure? (*hear, hear, hear.*) The House was called upon on mere assumption of these libels, which could not touch the Learned Lord in his character of Lord Advocate, to found an inquiry solely with the view of removing him from his official situation. If the Hon. Gentleman who had brought the questions before them expected a verdict in his own favour, he ought at least to have placed the objectionable documents before them. He (Lord L.), for his part, had never read the *SENTINEL*, or any of the imputed libels—he was perfectly ignorant of them—he was a mere sheet of white paper—(*loud and continued laughing*) as to information about them. He had heard only one extract read by the Hon. Gentleman, which he could not sanction, but on which he would not decide without hearing the context. It was a strange time to bring the conduct of the Lord Advocate before the House, at a moment when he was on his trial for no less a sum than 10,000l. He would like to see the Gentlemen at the other side of the House blazing with equal indignation at libels in papers, which were of their own side of politics. He would wish to see the Hon. Gentleman (Sir James Mackintosh) level at them the thunderbolt of his eloquence. When that Hon. Member was by his praise elevating into consequence another paper, did he make himself responsible for any libel that might at any time appear in it. He (Lord L.) believed that the *CLYDESDALE JOURNAL* was like the *MORNING CHRONICLE*, a paper of fair character, until the libels now in question appeared in it. And as to the *BEACON*, he understood that the reproach made by its subscribers was that it was exceedingly stupid and heavy. It was only in its latter numbers that these objectionable and culpable articles appeared in it. Talk as they may of the liberty of the press he was of opinion that there was no part of the House where there was to be found more severe restrictions against it than on the Whig benches. (*hear, hear.*) They kept one side of the question extremely open, and held the other equally close. He said so of those who arrogate to themselves the title of being the friends of the Liberty of the Press (*hear, hear.*) He did not stand there to defend the wisdom or cunning of the acts of Sir William Rae, but to support the constitutional character of the Lord Advocate of Scotland. When he gave 100l. to support a Paper on good and laudable principles, he did so to fight, as was done on the other side, the Press against Press. (*hear.*) Nothing could be more revolting to common sense than to make any one accountable for all the acts of a Paper because he had once supported it. Could it be supposed that the Lord Advocate would go, day by day, to inspect all the articles which appeared in it? It would be, in fact, making him the editor of the paper. (*hear.*) If these principles were once adopted, they would become fatal to the security of every man in the country. The Lord Advocate stood, throughout the whole transaction, without reproach. (*loud cries of hear, hear, hear, from both sides of the house.*) No matter for the cheers from the opposite side of the House. He drew the distinction between that which he had done, and which would have been more politic conduct. There was nothing to tarnish the character of the Lord Advocate. As a man and as a lawyer he stood still high in his profession. (*loud cheers.*) He had not only received from the Government the highest commendation for the manner in which his duties were discharged, but he had also received the approbation of all parties for his conduct on the State Trials and on most public occasions. Was he (Lord L.) to lend a hand to pull down the character of his Learned Friend? Was he to enforce him to travel through the inquisition of a Committee up stairs? As an honest man he could not do so. If the Lord Advocate was a perfect stranger to him—if he was his political enemy, he could place his hand upon his heart and say with sincerity, that he could not agree with the vote that was required of him. (*loud cheers from both sides of the house.*)

Mr. ABERCROMBY rose very briefly to reply. He had not much occasion to trespass on the House, as he felt that all the great points on which he had brought forward the question, and on which it rested, had not been in the least answered (*hear.*) To one point on which the Noble Lord much relied, that of the lateness of the Session, he would say that if the House would agree to go into the inquiry, he was ready to begin his part to-morrow. He had witnesses ready, and in five or six days he would have all the necessary evidence produced. (*hear, hear.*) It was a

bad reason to give the country, that a great public question should be given up merely on account of time. (*hear, hear.*)

The Gallery was cleared for a division, when the number were—
For the motion 95
Against it 120

Majority against the motion 25

Adjourned at a quarter to two o'clock.

Quarterly Review.

THE QUARTERLY REVIEW, No. LIII. is nearly ready for Publication. Contents:—I. Life and Writings of Camoens. II. History of the Æolic Digamma, its Power, Influence, Variations, and Declension. III. Moral and Political View of the United States of America, of the Western Provinces, &c. Views, and Tours, in North America. IV. Van Diemen's Land. Emigration. V. Hypochondriasis and other Nervous Affections, by J. Reid, M. D. VI. Literary Piracies and Chancery Decisions. Cases of Walcott v. Walker; Southey v. Sherwood; Murray v. Renbow; and Lawrence v. Smith. VII. Nazareff, Expedition to Kokania. VIII. Ancient State and Institutions of France, and causes of the French Revolution. IX. Walpole's Memoires. X. Waddington's Travels in Ethiopia. XI. Currency.

Statements of Vessels in the River.

CALCUTTA, NOVEMBER 29, 1822.

At Diamond Harbour.—H. C. S. ARTELL, —JOHANNE MARIA, (D.) —GEORGE THE FOURTH, and GOLCONDA, outward-bound, remain, —MARY ANN, proceeded down, —PROVIDENCE, and NERBUDDA, outward-bound, remain, —OSPRAY, passed down.
Kedgerree. — His Majesty's Frigate GLASGOW, —PRINCE OF ORANGE, passed up.
New Anchorage. — H. C. Ships PRINCE REGENT, ASIA, DORSETSHIRE, WARREN HASTINGS, MARCHIONESS OF ELY, and WINCHELSEA.

The Agent for dispatching the Honorable Company's Ship ASIA, left Town on Saturday morning with the Packets, of that Ship.

Marriage.

On Saturday last, the 30th ultimo, Mr. JOHN ANDREWS, to Miss CAROLINE CANTOPHER, Daughter of the late Mr. LEWIS CANTOPHER.

Commercial Reports.

(From the Calcutta Exchange-Price Current of Thursday last.)

Indigo.—There has been an increased activity in this Article during the last two days, and the market is getting bare of the finer qualities. We yesterday heard of a considerable sale of fine Jessore, at 317-8. We also know of a large purchase of Fattyghur, at 200— and 201 has been refused for a smaller parcel of the same description, all in bond.

Cotton.—Continues dull, the natives are the only purchasers in the market, it appears to have given way a little in the interior. At Mirzapore, on the 18th of November, new Bandah was stated at 17-1, Jalore at 14-10, and Cutchoura at 13-11 per local maund, stock 2,20,000 maunds. At Jeagunge, on the 23d of November, new Cutchoura was quoted at 12 8 to 12-12 per maund, sales during the week 7000 maunds, all for country consumption, stock 21,000 maunds.

Sugar and Saltpetre.—Have been in fair request during the week, and sales going on in them at our quotations.

Grain.—Has been in fair demand during the week, at our quotations. Patna Gram has risen about one anna per maund.

Piece Goods.—The demand still continues limited, but prices steady.

Metals.—Copper-sheet and nails in increased demand, and looking up, Iron in limited request, at our quotations, Pig-Lead and Steel dull, but steady, Tutenague and Spelter in fair demand, at our quotations.

Europe Goods.—The demand is rather improving particularly or perishable articles. Piece Goods may also be quoted a shade higher, a very heavy stock still in the market.

Freight to London.—Still rates at £ 2-10 to £ 5 per Ton.

BANK OF BENGAL RATES.

Discount on Private Bills,	6 per cent
Ditto on Government Bills of Exchange,	5 per cent
Interest on Loans on Deposit,	5 per cent